# **RECAP/DRAFT MINUTES**

Regular Board Meeting Board of Directors

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



#### **Directors Present:**

Antonio Villaraigosa, Chair
Michael Antonovich, 1st Vice Chair
Diane DuBois, 2nd Vice Chair
John Fasana
José Huizar
Richard Katz
Don Knabe
Gloria Molina
Ara J. Najarian
Pam O'Connor
Mark Ridley-Thomas
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



1. APPROVED **Consent Calendar** Items: 2, 5, 6, 10, 15, 19, 21, 22, 23, 33, 34, 35, 37, 45, 46, 53, 54 and 62.

Consent Calendar Items were approved by one motion except Items 8, 20 and 38 which were held by a Director for discussion.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
Υ	Υ	Α	Α	Α	Υ	Υ	Α	Υ	Α	Y	Υ	Α	

- 2. APPROVED ON CONSENT CALENDAR Minutes of Regular Board Meeting held September 22, 2011.
- 3. RECEIVED Chair's Report.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
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- 4. RECEIVED Chief Executive Officer's Report.
  - Received report from Al Vogel, tourist and transit user. Presented Mr. Vogel with custom bus stop sign.

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AN = A. Najarian	ZY = Z. Yaroslavsky	RK = R. Katz	GM = G. Molina
JF = J. Fasana	DD = D. DuBois	MRT = M. Ridley-	
		Thomas	
JH = J. Huizar	AV = A. Villaraigosa	DK = D. Knabe	
PO = P. O'Connor	MA = M. Antonovich	MW = M. Wilson	

LEGEND: Y = YES, N = NO, C = CONFLICT, ABS = ABSTAIN, A = ABSENT, P = PRESENT

## APPROVED ON CONSENT CALENDAR:

- A. the programming of up to \$250,089,000 of the Los Angeles County Share of the **2012 State Transportation Improvement Program (TIP)** as follows:
  - 1. Tier 1: Up to \$147,689,000, if the California Transportation Commission (CTC) programs the entire Los Angeles County Share target.
  - 2. Tier 2: Up to \$102,400,000, if the CTC advances additional State TIP funds to Los Angeles County.
- B. re-programming up to \$34,370,000 in prior State TIP funds from the Interstate 405/Arbor Vitae Interchange Improvement project to the Crenshaw/LAX Transit Corridor project.
- 6. APPROVED ON CONSENT CALENDAR the strategy for identifying potential Bus Rapid Transit (BRT) corridors.
- 8. APPROVED UNDER RECONSIDERATION authorizing the Chief Executive Officer to:
  - A. award a firm fixed price Contract No. PS4710-2744 to CH2M Hill, Inc in the amount of \$3,140,000 for professional services to prepare a Soundwall Feasibility and Constructibility Study that includes conceptual and preliminary engineering, and technical and environmental studies to support the preparation of project reports and appropriate environmental documents for various soundwall projects along the I-710 corridor, between Ocean Boulevard and State Route 60; and
  - B. execute individual contract modifications as required, but not to exceed a cumulative total of up to 15% of the contract value, to cover the cost of any unforeseen issues that may arise during the preliminary engineering, technical and environmental studies.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
Υ	Υ	C	Υ	Υ	Υ	С	C	Υ	Υ	Υ	Υ	Υ	

#### APPROVED AS AMENDED:

- A. Transit Oriented Development (TOD) Planning Grant Program Guidelines; and
- B. Lapsing Policy.

**DuBois and O'Connor Amendment** that staff identify an additional \$1 million in appropriate funds and develop appropriate guidelines (for Board approval) to assist Los Angeles County cities along the Metro Green Line Extension, West Santa Ana Branch and Metrolink lines, in creating Transit Oriented District ordinances, parking overlays, and specific plans.

Add an additional objective on Attachment A, Section 2 of the Board report to support and implement sustainable development principles.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
Y	Υ	Υ	Υ	Υ	Y	Α	Υ	Υ	Υ	Υ	Υ	Υ	

### 10. APPROVED ON CONSENT CALENDAR:

- A. finding that it is in MTA's best interest to enter into a six month Exclusive Negotiation Agreement (ENA) and Planning Document, with an option to extend for up to an additional one year, with Cesar Chavez and Soto, LLC, or another development entity created by JSM Construction and Polis Builders that is reasonably approved by the Chief Executive Officer, to, among other things:
  - 1. Explore the feasibility of developing 1.95 acres of MTA property located near the intersection of Cesar E. Chavez Avenue and Soto Street, in Boyle Heights, with the following development:
    - A 12,900 square foot (approximate) CVS retail store.
    - A 5,000 to 7,500 square foot (approximate) food use or retail center.
    - A 10 to 15 unit affordable apartment building.
    - Unstructured, at-grade parking associated with the foregoing uses.

(Continued next page)

# (Item 10 – Continued from previous page)

- Negotiate the key terms and conditions of a Joint
   Development Agreement and Ground Leases with respect to
   the proposed development.
- B. authorizing the Chief Executive Officer to execute the ENA and, if appropriate, exercise options to extend the term of the ENA as noted above.
- 15. APPROVED ON CONSENT CALENDAR an exchange agreement between the County of Los Angeles Department of Public Works and the Los Angeles County Metropolitan Transportation Authority for the **State**Route 126/Commerce Center Drive Interchange Improvement Project.
- 19. APPROVED ON CONSENT CALENDAR amending the FY12 budget to add:
  - A. \$380,000 of revenue and expenses to Organizational Development & Training, cost center 6220, to implement key elements of the **Metro University Program**, through a cooperative agreement with the Federal Transit Administration; and
  - B. one FTE to be funded by the FTA grant, for the duration of the grant funded project only.

#### 20. APPROVED UNDER RECONSIDERATION:

- A. establishing a Life-of-Project (LOP) budget of \$1.715 billion for the Crenshaw/LAX Transit Corridor Project No. 865512; and
- B. reprogramming up to \$34.4 million but not less than \$31.3 million, in prior State Transportation Improvement Program funds from the Interstate 405/Arbor Vitae Interchange Improvement project to Project No. 865512, increasing LOP Budget in Recommendation A to \$1.749 billion.

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#### 21. APPROVED ON CONSENT CALENDAR:

- A. modifying the **Gold Line Foothill Extension Funding Agreement** to increase expenditure cap by \$103.55 million from \$104.57 million to \$208.12 million; and
- B. modifying Agreement to require the Metro Gold Line Foothill Extension Construction Authority to comply with Metro's Unified Cost Management Process and Policy.
- 22. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a seven year contract (three-year base with two two-year options), under Request for Proposal No. PS92402718 with Scottel Voice & Data, Inc. d/b/a Black Box Network Services, the lowest responsive and responsible bidder for **telephone system maintenance and service**, for an amount not to exceed \$1,551,375, inclusive of sales tax.

## 23. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to negotiate and enter into a sub-grantee agreement with Caltrans Division of Rail to reimburse LACMTA \$2,364,000 for PE/NEPA work for two **LOSSAN corridor projects** in the San Fernando Valley;
- B. authorizing the Chief Executive Officer to negotiate and enter into a Memorandum of Understanding (MOU) with SCRRA as LACMTA's subcontractor for PE/NEPA work for two LOSSAN corridor projects in the San Fernando Valley; and,
- C. amending the FY 2011-12 budget by \$2,364,000 to reimburse SCRRA for PE/NEPA work for two LOSSAN corridor projects in the San Fernando Valley.

#### 28. APPROVED:

- A. separating the **Patsaouras Plaza Busway Station** from the life of project (LOP) of the **El Monte Busway Improvements and Transit Center Project** (CP202286);
- B. establishing a separate life-of-project (LOP) budget and capital project for the Patsaouras Plaza Busway Station Project (CPXXXXX) in the amount of \$16,803,000;
- C. reprogramming \$4.9 million in local funds previously allocated for the Patsaouras Plaza project by past Board action into the new Patsaouras Plaza Capital Project, and replace these funds with \$4.9 million of local funds to be programmed into the El Monte Capital Project; and
- D. amending the FY12 budget in the amount of \$1,795,000 to fund design work for the new Patsaouras Plaza Capital Project, funded by existing CFP#43001 Ramirez Flyover (PC25 Funds); and
- E. accepting \$9,679,000 in Federal Transit Administration (FTA)
  discretionary grant funds awarded on October 17, 2011 through the
  FY11 Bus Livability Program and program these funds to the
  Patsaouras Plaza Capital Project.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
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- 33. APPROVED ON CONSENT CALENDAR changes to the **Board report**procurement template to include additional information regarding contract
  awards.
- 34. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate a salary within the pay range for the **Chief Information Officer (CIO) position**, pay grade AA (\$134,378 \$167,972 \$201,567).
- 35. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate a salary within the pay range for the **Deputy Chief Operations Officer (DCOO) position**, pay grade CC (\$190,621 \$234,708- \$278,793).

37. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute Contract Modification No. 8 to Contract No. OP30101812 with Agreement Dynamics Inc. to provide **interest-based problem solving training consulting services** for the amount not to exceed \$100,000 through June 30, 2012, increasing the total contract value from \$778,080 to \$878,080.

# 38. APPROVED UNDER RECONSIDERATION BY A 2/3 VOTE the official name changes for the following rail stations and facilities:

- A. "Imperial/Wilmington/Rosa Parks" to "Willowbrook/Rosa Parks;"
- B. "103<sup>rd</sup> Street/Kenneth Hahn" to "103<sup>rd</sup> St/Watts Towers/Kenneth Hahn;"
- C. "Vermont Av/I-105" to "Vermont Av/Athens;"
- D. "Hawthorne Bl/I-105" to "Hawthorne Bl/Lennox;"
- E. "Venice/Robertson" to "Culver City;"and
- F. "Artesia Transit Center" to "Harbor Gateway Transit Center."

# Directed staff to make changes only when opening a new line or making improvements at a station.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
Υ	Υ	Y	Y	Y	Y	Υ	Υ	Υ	Υ	Υ	Υ	Υ	

#### 45. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to negotiate and execute Contract Modification No. 21 to Contract No. C0882 with Kiewit Infrastructure West Company, for redesign of Bridges 10 and 11 for the I-405 Sepulveda Pass Improvements Project for an amount not to exceed \$1,345,000, increasing the total contract value from \$736,456,248 to \$737,801,248; and
- B. ratifying the decision made by the project team to proceed with critical path work for CN/CO14 to proceed with redesign of Bridges 10 and 11 pending final pricing of the contract change.

# 46. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to negotiate and execute two Contract Modifications to Contract No. C0882, with Kiewit Infrastructure West Company, in the combined not-to-exceed amount of \$10,550,000 for construction work identified in the Final Environmental Impact Report for realignment of the I-405 Freeway between Stations 1754+00 and 1839+75, increasing the total contract value from \$737,801,248 to \$748,351,248;
- B. ratifying the actions taken by the project team to proceed with critical path activities prior to Board approval that ultimately exceeded the Project Manager's contract change order authority; and
- C. authorizing one Full-Time Equivalent position for a Construction Manager on the **I-405 Sepulveda Pass Improvements Project** 405523.

# 47. APPROVED:

- A. authorizing the Chief Executive Officer to execute Contract Modification No. 36 to Contract No. PS43502000 with PB Americas, Inc. to advance Preliminary Engineering and support Final Design and/or Construction for the **Westside Subway Extension Project**, for an amount not to exceed \$16,996,740, increasing the total contract value from \$72,970,189 to \$89,966,929;
- B. amending the FY12 budget to include \$15,297,088 of the State Repayment of Capital Project Loans account funds to Project 865518, in addition to \$1,699,652 previously approved and budgeted; and
- C. increasing the interim Life-of-Project (LOP) budget for Measure R Project Westside Subway Extension by \$15,297,088, increasing the interim LOP budget from \$108,826,132 to \$124,123,220.

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#### 52. APPROVED AS AMENDED:

- A. authorizing the Chief Executive Officer to execute Modification No. 6 to Contract No. PS2610LASD with the County of Los Angeles Sheriff's Department (LASD) to provide **law enforcement services for the period covering November 1, 2011 through June 30, 2012** for an amount not to exceed \$57,580,311 \$58,844,951. The total FY12 Transit Community Policing contract is \$79,461,155 \$80,725,795;
- B. amending the FY12 budget to add 8 Metro Security Officer I and 1 Metro Security Officer II positions;
- C. amending the FY12 budget for Cost Center 2610, System Security and Law Enforcement in the amount of \$16,296,691 \$17,561,331 to fund the remaining 8 months of service under the LASD contract and provide additional Law Enforcement coverage for the Silver Line per Motion by Directors Knabe, Ridley-Thomas, and O'Connor;
- D. amending the FY12 budget for Cost Center 2610, System Security and Law Enforcement in the amount of \$300,000 in Special Events Overtime for Metro Transit Security Officers; **and**
- E. amending the FY12 budget for Cost Center 2610, System
  Security and Law Enforcement in the amount \$87,000 to the
  current private security contract for additional coverage on
  Silver Line per Motion by Directors Knabe, Ridley-Thomas, and
  O'Connor.

Knabe, Ridley-Thomas, and O'Connor Amendment that the Board direct the CEO to work with the Sheriff's Department to identify and include the appropriate dedicated law enforcement positions (staffing) and capital requirements (such as patrol vehicles and radios) for Harbor Transitway Law Enforcement Services in the proposed law enforcement services contract modification for consideration by the full Board for the October 2011 Metro Board meeting.

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- 53. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a 36-month, firm fixed price contract under Bid Number 11-0038 to Wabtec Passenger Transit, the lowest responsive and responsible bidder for the **center truck brake discs for the P2000**Siemens vehicles for an amount not to exceed \$1,322,352, inclusive of a one year option.
- 54. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a 60 month firm fixed price contract under Bid 11-0045 with Pinnacle Petroleum, Inc., the single responsive and responsible bidder for **unleaded gasoline** for an amount not to exceed \$17,413,847, inclusive of sales tax and three one-year options.
- APPROVED AS AMENDED receiving and filing response to the various elements of the August 2011 Villaraigosa Motion regarding Customer-Oriented, Integrated Bus Service Enhancements and Innovations, including bus service levels and the UFS, or Transit Access Pass (TAP) card.

#### Amendments:

**Najarian and Huizar Amendment** that Item 56 be bifurcated to exclude the TAP portion of the report, that the TAP update portion be forwarded to the full board on October 27, 2011, for discussion, and include the matrix attached to the motion for this item, prepared utilizing correct data and status from all Municipal Operators.

Najarian and Wilson Amendment that MTA staff report back to the January 2012 November Operations committee with a report on the success of the bay area program, including the equipment currently in use, and the feasibility of rolling out this program incrementally in Los Angeles County; Further move that MTA staff provide monthly updates beginning February 2012 next month using the attached matrix on the signature process of the draft reimbursement MOU and any new additions of municipal operators accepting TAP.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
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61. APPROVED YAROSLAVSKY, O'CONNOR, DUBOIS AND VILLARAIGOSA MOTION AS REVISED that the demonstration to lock gates be expanded and include at least six additional stations. These stations should include 7th/ Metro, Union Station and North Hollywood. In addition to off-peak timeframes, the demonstration should also include some peak-hour closures.

Further move that the data from the completed demonstration be made available to the Board within the next two weeks and this information should include, but not be limited to, a breakdown of fare media used: how many patrons had monthly, weekly or day passes, cash riders, transfers, Metrolink passes, etc; the increase in ticket vending machine activity compared to when the gates were not locked during the same period in previous weeks and the number of citations issued.

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- 62. APPROVED ON CONSENT CALENDAR:
  RIDLEY-THOMAS, KNABE, ANTONOVICH AND DUBOIS MOTION AS REVISED to:
  - 1. Direct the CEO to report back to the Board, no later than 90 days, with a <u>status report on preparation of</u> Short Range Transportation Plan (SRTP) for Board consideration.
  - 2. The SRTP should examine the following, but not be limited to:
    - a. Status of Measure R and other major project initiatives.
    - b. State of good repair.
    - c. Review of industry practices and Federal Transit Administration best practices on rehabilitation.
    - d. Revised five-year cash flow outlook.
    - e. Revised Federal assumptions.
    - f. Transportation Improvement Program (TIP) viability.
    - g. Status of New Starts assumptions and Federal assumptions.
    - h. Operations and Maintenance Funding Plan.
  - 3. The CEO should return to the Board with any policy recommendations or changes.

- 63. AUTHORIZED the Chief Executive Officer to award the following:
  - A. a cost plus fixed fee Contract No. PS 4710-2755, to CH2M Hill Inc. in the amount of \$37,300,000 for a professional services contract to prepare an EIR/EIS that includes alternatives analyses, technical assessments, conceptual and preliminary engineering, and a project report, for the **State Route 710 Gap Project from Interstate 10 to State Route 134/Interstate 210**. This contract will be supported by another community outreach contract; and
  - B. Contract modification authority for up to 15% of the contract value to cover the cost of any potentially unforeseen issues that may arise during the environmental, engineering and community participation phases.

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- 64. APPROVED ANTONOVICH MOTION that the MTA Board takes the following actions:
  - A. Direct the CEO to provide a literature review to the Board within 60 days on the topic of "safety culture". In particular, this review should clearly delineate the Board's role and responsibilities to ensure and support fully a **strong safety culture at MTA**, as well as provide a review of the WMATA accident and subsequent NTSB report;
  - B. Direct the CEO to procure an outside, independent consultant to conduct and complete within 90 days a full review of MTA's safety culture, including specific evaluations of the five elements (informed culture, reporting culture, learning culture, flexible culture and just culture) that compose a safety culture, and present an evaluation of and recommendations on how to improve MTA's safety culture to the Board and CEO. The CEO shall follow-up within 30 days with a presentation to the Board on additional recommendations and a plan to implement all recommendations to enhance MTA's safety culture;
  - C. Change the name of the "Operations Committee" to the "System Safety and Operations Committee" to indicate clearly the Board's central role of providing oversight of MTA's safety culture and system safety; (Continued next page)

(Item 64 – Continued from previous page)

- D. Expand the scope of the "System Safety and Operations Committee" to include:
  - 1. Monthly reports on corporate safety and system safety
  - 2. All items related to safety audits, safety upgrades, and overall system safety issues
  - 3. All recommendations on how to improve the safety culture at MTA
- E. Direct the CEO to report to the full Board on a quarterly basis on MTA's system safety and provide recommendations on how the Board can better support the agency's safety culture and the safety of our transit system;
- F. Direct the CEO to provide a review of our agency bylaws and any associated statement of organizational values and Board responsibilities to determine if these documents promote safety as the Board's top oversight role and the agency's top priority; and
- G. Direct the CEO to include as part of each board report and agenda item a separate, clearly marked section that provides an assessment of the item's impact on system safety and safety culture.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
Y	Υ	Y	Υ	Y	Υ	Α	Υ	Υ	Υ	Υ	Υ	Υ	

# 65. CLOSED SESSION:

- A. <u>Conference with Legal Counsel Pending Litigation G.C. 54956.9(a):</u>
  - Jose Mauricio Andrade v. LACMTA, Case No. BC430117
     APPROVED settlement in the amount of \$450,000.

AN	JF	JH	РО	ZY	DD	AV	MA	RK	MRT	DK	MW	GM	
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(Item 65 – Continued from previous page)

Gwendolyn Nash v. LACMTA, Case No. TC024682
 APPROVED settlement in the amount of \$762,500.

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3. Rodrigo Navarette v. LACMTA, Case No. BC442324 APPROVED settlement in the amount of \$999,680.

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- Jonathan Dean v. LACMTA, Case No. BC 413 809
   NO REPORT.
- B. Conference with Labor Negotiator G.C. 54957.6:
  Agency Representative: Richard Hunt and designated staff Employee Organizations: ATU, UTU, TCU, Teamsters

NO REPORT.

PRESENTED THE FOLLOWING MOTIONS TO BE AGENDIZED FOR THE NOVEMBER BOARD CYCLE:

**KNABE MOTION** (TO BE AGENDIZED ON NOVEMBER CONSTRUCTION COMMITTEE):

Move that the MTA Board of Directors direct the CEO to:

- 1) Include the Westchester (Manchester/Aviation) Station (at-grade near Hindry) as a bid option during the construction procurement, i.e. bidders will propose prices for the following additional Option (in addition to the three Options identified as 1A, 1B, and 1C that were adopted by the MTA Board for Item 1, May 26, 2011):
- A. Baseline project plus Leimert Park/Vernon underground station and Westchester (Manchester/Aviation) Station (at-grade near Hindry)
- 2) Recommend for MTA Board approval a design/build contract for Options 2A, 2B that were adopted by the MTA Board for Item 1, May 26, 2011, and include the following additional Option for consideration:
- A. Option 1A (as described in this motion) if a responsible and responsive bid is received that is less than or equal to the adopted life of project budget.
- 3) Authorize a contract modification in the amount of \$250,000 to complete the additional design and engineering work needed for the Project, to prepare the Westchester Station Option for the construction procurement, that is within the adopted life of project budget.

**ANTONOVICH MOTION** (TO BE AGENDIZED ON NOVEMBER SYSTEM SAFETY AND OPERATIONS COMMITTEE):

Move that the MTA Board directs the CEO to:

(1) Develop a partnership with the theme parks (e.g. Six Flags Magic Mountain, Universal Studios, Knott's Berry Farm, Disneyland) and entertainment industry (i.e. Warner Brothers) to review and make recommendations on how MTA can provide a better customer experience when using our system, and report back to the board within 90 days on this effort. (Continued next page)

(Antonovich Motion – Continued from previous page)

- (2) Provide to the Board by December 2011 a plan to convert the schedule displays in our system stations to provide a countdown timer in lieu of the current arrival schedule, including timeline and cost to accomplish this goal.
- (3) Provide to the Board by January 2012 a review of all signage at our MTA stations with recommendations on how to enhance system signage to help our customers use the system more effectively and make transfers easier.
- (4) Provide to the Board by January 2012 an update with recommendations on what services to add (e.g. WiFi, coffee kiosks) at our MTA stations that would promote a better customer experience.
- (5) Provide to the Board by January 2012 an update with recommendations on how purchasing fare media to use the MTA system could be made more customer friendly.
- (6) Provide to the Board by March 2012 a review of other major transit properties in the country with recommendations on other ideas currently in place nationally that could improve the customer experience using the MTA bus and rail system.

ADJOURNED at 12:30 p.m. in memory of former MTA Board Chair Larry Zarian.

Prepared by: Michele Chau

Board Specialist

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