## Metro

Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
3rd Floor Board Room



# RECAP of Proceedings REGULAR BOARD MEETING

Thursday, December 1, 2016 9:00 AM

One Gateway Plaza, Los Angeles, CA 90012, 3rd Floor, Metro Board Room

## **Directors Present:**

John Fasana, Chair
Eric Garcetti, 1st Vice Chair
Sheila Kuehl, 2nd Vice Chair
Michael Antonovich
Mike Bonin
James Butts
Diane DuBois
Jacquelyn Dupont-Walker
Don Knabe
Paul Krekorian
Ara Najarian
Mark Ridley-Thomas
Carrie Bowen, non-voting member

Phillip A. Washington, Chief Executive Officer

#### CALLED TO ORDER at 9:19 a.m.

#### **ROLL CALL**

APPROVED Consent Calendar Items: 2, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 36, 37, 38, 39, 42 and 43.

Consent Calendar items were approved by one motion.

| OK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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| Υ  | Υ  | Υ   | Υ  | Α  | Α   | Υ  | Υ  | Υ  | Α  | Α  | Υ  | Υ  |

1. APPROVED: 2016-0610

- A. AUTHORIZING the Chief Executive Officer (CEO) to execute a nine-year cost-plus fixed fee contract plus two one-year options, Contract No. AE5818600MC072-PLE2, to Purple Line 2 CM Partners, a Joint Venture to provide **Construction Management Support Services** in an amount not-to-exceed \$8,890,488 through Fiscal Year 2018, subject to resolution of protest(s), if any; and
- B. ESTABLISHING Contract Modification Authority for 15% of the not-to-exceed contract award value and authorizING the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

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- 2. APPROVED ON CONSENT CALENDAR Minutes of the Regular Board 2016-0876 Meeting held October 27, 2016 and the Special Board Meeting held November 17, 2016.
- **3.** RECEIVED Report by the **Chair.**

2016-0926

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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| Р  | Р  | Р   | Р  | Р  | Α   | Р  | Р  | Р  | Α  | Α  | Р  | Р  |

| DK = D. Knabe          | MA = M. Antonovich     | SK = S. Kuehl    | DD = D. DuBois |
|------------------------|------------------------|------------------|----------------|
| PK = P. Krekorian      | MRT = M. Ridley-Thomas | JB = J. Butts    |                |
| JDW = J. Dupont-Walker | JF = J. Fasana         | HS = H. Solis    |                |
| MB = M. Bonin          | EG = E. Garcetti       | AN = A. Najarian |                |

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

3.1 PRESENTED Resolutions to Directors Antonovich and Knabe.

2016-0928

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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4. RECEIVED Report by the **Chief Executive Officer**.

2016-0927

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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**9.** ADOPTED a resolution that:

2016-0797

- A. AUTHORIZES the competitive sale of Prop C Senior Lien Bonds (the "2017 Prop C Bonds") to finance capital projects in one or more transactions through June 30, 2017;
- B. APPROVES the forms of Notice of Intention to Sell Bonds, Notice Inviting Bids, Supplemental Trust Agreement, Continuing Disclosure Agreement and Preliminary Official Statement, on file with the Board Secretary all subject to modification as set forth in the resolution;
- C. AUTHORIZES taking all action necessary to achieve the foregoing, including, without limitation, the further development and execution of bond documentation associated with the issuance of the 2017 Prop C Bonds; and
- D. REAFFIRMS AND UPDATES the Reimbursement Resolution approved by the Board on April 26, 2016 to reflect that the amount of the 2017 Prop C Bonds may be up to \$500 million and reaffirms the intention that a portion of the proceeds of the 2017 Prop C Bonds will be used to reimburse expenditures made prior to the issuance of the 2017 Prop C Bonds.

(REQUIRES SIMPLE, SEPARATE MAJORITY VOTE)

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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10. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to 2016-0740 execute a revenue-neutral fund exchange agreement between Metro, the Ventura County Transportation Commission (VCTC) and the Southern California Regional Rail Authority (SCRRA) to fund FY16 and FY17 SCRRA rehabilitation projects.

11. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer, 2016-0498 or his designee, to execute a Perpetual Easement Agreement, Reciprocal Easement Agreement and other related documents with the city of Culver City (City) and/or the developer and other related parties to allow for the construction, use, operation and maintenance of the Ivy Station mixed-use development project adjacent to the Metro Expo Culver City Station as described in Attachment D which will include a Metro park-and-ride facility as contemplated by a previously Board-approved and executed Option Agreement and Memorandum of Understanding with the City.

#### **12.** APPROVED ON CONSENT CALENDAR:

2016-0615

- A. RECEIVING AND FILING status report on work approach and resource needs to implement the Metro Board's First/Last Mile Motions 14.1 and 14.2; and
- B. AUTHORIZING the Chief Executive Officer to take action to implement Board Motions 14.1 and 14.2.

#### **13.** APPROVED ON CONSENT CALENDAR:

- A. the Airport Metro Connector (AMC) 96th Street Transit Station

  Project which will add a new Metro rail station to the Crenshaw/LAX Line at 96th Street;
- B. CERTIFYING the Final Environmental Impact Report (Final EIR).

  The Final EIR is available upon request or at <a href="https://www.metro.net/projects/lax-extension">www.metro.net/projects/lax-extension</a>;
- C. ADOPTING the:
  - 1. Mitigation Monitoring and Reporting Plan (MMRP); and
  - 2. Findings of Fact
- D. AUTHORIZING the Chief Executive Officer (CEO) to file the Notice of Determination (NOD) with the Los Angeles County Clerk and State of California Clearinghouse; and
- E. RECEIVING AND FILING the quarterly project status report including architectural and engineering design services and coordination with the Los Angeles World Airports (LAWA) and the Crenshaw/LAX Project, as directed by the Metro Board in July 2014.

### **14.** APPROVED ON CONSENT CALENDAR:

2016-0591

- A. AUTHORIZING implementation of Phase II of the Parking
  Management Pilot Program at nine (9) Metro parking facilities with the option
  to increase to (13) facilities along Expo, Gold, Red, Green and Silver Line
  Metro stations pursuant to the Operating Plan for four (4) years:
- B. AMENDING Metro's Parking Ordinance Administrative Code 8 and Metro's Parking Rates and Fee Resolution in support of the implementation of the Parking Management Pilot Program; and
- C. AUTHORIZING the Chief Executive Officer to award a four (4)-year firm fixed price Contract No. PS6264800 to L&R Group of Companies DBA Joe's Auto Parks in the amount of \$8,388,277 to implement Phase II of the Parking Management Pilot Program through a revenue generating contract where the contractor will be compensated for their operating costs from the parking revenue collected and Metro will receive the net revenue amount collected, subject to resolution of protest(s), if any.

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### **15.** APPROVED ON CONSENT CALENDAR:

2016-0589

- A. the updated project list and changes in the funding levels for the Measure R Highway Subregional Program in Arroyo Verdugo, Las Virgenes Malibu, South Bay, North County, and Gateway Cities Subregions:
- B. AUTHORIZING the Chief Executive Officer (CEO) or his designee to:
  - 1. Allow the City of Lancaster to use programmed Measure R funds outlined in executed agreement (MR330.05) in earlier years to expedite project development phases and deliver the project sooner than originally scheduled.
- C. AUTHORIZING the CEO or his designee to negotiate and execute all necessary agreements for approved projects;
- D. ADOPTING the resolution that authorizes the CEO or his designee to execute all Grant Agreements and any amendments thereto with the California Department of Transportation; and

(Continued on next page)

(Item 15 – continued from previous page)

- E. time extension for 6 projects:
  - 1. Caltrans ITS on I-405, I-110, I-105 and SR-91 Freeway Ramp/Arterial Signalization (MR312.11)
  - 2. City of Hermosa Beach PCH Improvements between Anita St. and Artesia Boulevard (MR312.05)
  - 3. City of Redondo Beach PCH Arterial Improvements from Anita St to Palos Verdes Boulevard. (MR312.06)
  - 4. City of Redondo Beach Aviation Boulevard at Artesia Boulevard Intersection Improvements (MR312.20)
  - 5. City of Inglewood Inglewood Phase four ITS projects (MR312.12)
  - 6. City of Lawndale- Inglewood Ave from 156th to I-405 Southbound On-Ramp Improvements. (MR312.15)
  - 7. City of Agoura Hills Palo Camado Interchange (MR311.03)
- 18. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to: 2016-0221
  - A. REIMBURSE the City of Beverly Hills for valid costs incurred to review the design and construction of the Design-Build elements of the Project within the City as provided in the attached excerpt from the draft Memorandum of Agreement (MOA) for design/build construction between Metro and the City; and
  - B. EXECUTE the Annual Work Plan for Fiscal Year 2017 with the City of Beverly Hills, in an amount not-to-exceed \$4,859,611, for the **Westside Purple Line Extension Section 1 C1045 Contract**.
- 19. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer 2016-0727 (CEO) to award a three-year cost-plus fixed fee Contract No. PS601830026445 for Construction Management Support Services for Metro Rail Projects with Destination Enterprises, Inc. in the amount not to exceed \$3,000,000, inclusive of two one-year options, subject to resolution of protest(s) if any. Destination Enterprises, Inc. is a certified SBE with Metro.

- 20. AUTHORIZED ON CONSENT CALENDAR Contract Modification 2016-0736 No. 183 by Caltrans for construction contract of the Segment 4 of the I-5 North Capacity Enhancements Project between SR-134 and SR-118 (Project) under the Funding Agreement No. MOU. P0008355/8501A/A6, in the amount of \$1,232,800.
- 21. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer 2016-0829 (CEO) to execute an annual work plan for Fiscal Year 2017 with the City of Beverly Hills, in an amount not-to-exceed \$1,003,442, for the Westside Purple Line Extension Project Section 1.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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22. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer 2016-0830 (CEO) to execute an annual work plan for Fiscal Year 2017 with the City of Beverly Hills, in an amount not-to-exceed \$3,599,718, for the Westside Purple Line Extension Project - Section 2.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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**23.** APPROVED AS AMENDED:

2016-0878

- A. AUTHORIZING the Chief Executive Officer to:
  - 1. EXECUTE Modification No. 3 to Contract No. PS69403444 with Pacific Coast Regional Small Business Development Corporation (PCR) to support the increased level of effort and resources for the remaining two years of the professional services contract and continuation of services to eligible "mom and pop" businesses directly impacted by the unprecedented full street closure along 2nd & Broadway segment of the Regional Connector in the amount of \$297,616 increasing the total firm fixed contract value from \$1,965,090 to \$2,262,706;
  - 2. INCREASE Contract Modification Authority (CMA) specific to Contract No. PS69403444 in the amount of \$500,000 increasing the total CMA amount from \$180,000 to \$680,000 to support additional services related to BIF fund administration inclusive of the expansion of the BIF to directly impacted and qualifying "mom and pop" businesses along the Purple Line Extension Phase 2; and

(Continued on next page)

(Item 23 – continued from previous page)

B. RECEIVING AND FILING the quarterly status report of Metro's Pilot Business Interruption Fund (BIF).

**DUPONT-WALKER AMENDMENT** to expand the Pilot Business Interruption Fund to include small businesses that may be interrupted along the Purple Line Extension Phase 2.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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27. AUTHORIZED the Chief Executive Officer to award a firm-fixed price 2016-0646 Contract under RFP No. OP6355500HR4000, Heavy Rail Vehicle (HRV)

Acquisition, to China Railway Rolling Stock Corp (CRRC) MA Corporation in the not-to-exceed amount of \$178,395,869 for a period of 62 months from Notice-to-Proceed (NTP) for the production and delivery of the 64 HRV Base Order, subject to the resolution of protest(s), if any.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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28. AUTHORIZED the Chief Executive Officer to increase the total authorized not-to-exceed amount to Rail Operations Engineering Support Bench (Bench) Contract No OP39202965, by \$4,300,000 from \$5,000,000 to \$9,300,000 for engineering and technical services for wayside systems operating and capital projects.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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**29.** AUTHORIZED staff to extend the current uniform rental contract through January.

CARRIED OVER TO JANUARY authorizing the Chief Executive Officer to 2016-0874 award a firm fixed unit rate Contract No. OP6201700 for uniform rental services with Prudential Overall Supply, for a not-to-exceed amount of \$3,372,104 for the three-year base period and \$3,372,104 for the one, three year option, for a combined total of \$6,744,208 effective December 16, 2016 through December 15, 2022, subject to resolution of protest(s), if any.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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30. AUTHORIZED the Chief Executive Officer to execute Contract Modification 2016-0803 No. 3 to Contract No. OP33673132, with XInt Tint of Anaheim, Inc., for glass panel surfaces anti-graffiti film maintenance and replacement services, to exercise the first and second year options in the amount of \$1,304,442 for each of the first and second year options, for a combined total of \$2,608,884, increasing the total contract value from \$4,342,589 to \$6,951,473 and extending the contract term from February 3, 2017 to February 2, 2019.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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31. AUTHORIZED the Chief Executive Officer to execute Modification No. 3 to 2016-0717 Contract No. OP33673154 with Graffiti Shield, Inc., for stainless steel panel surfaces anti-graffiti film installation and replacement services. This modification will exercise the first and second year options in the amount of \$3,806,056.54 for each of the first and second year options, for a combined total of \$7,612,113.08, increasing the total contract value from \$12,178,532.85 to \$19,790,645.93 and extending the contract term from February 3, 2017 to February 2, 2019.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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- 36. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to renew a five-year lease agreement, including two, five-year options, with Access Services (Access) effective January 1, 2017 for the rental of approximately 19,841 square feet of office space at Metro's Transportation Building Division 9, 3449 Santa Anita Avenue, El Monte, at an annual rental cost of \$600,000, subject to both parties' mutual right to terminate on 12-month prior written notice.
- **37.** APPROVED ON CONSENT CALENDAR:

- A. the unit reduction for undergraduate students from 8 units to 6 units beginning Spring 2017;
- B. CREATING a reduced fare Transitional Pass to U-Pass participants for 12 months after graduation; and
- C. the Title VI Analysis required by Civil Rights department.

**38.** APPROVED ON CONSENT CALENDAR the revised **Property Naming Policy** with the addition of guidelines to implement and manage a Corporate Sponsorship/Naming Rights Program for the purpose of generating revenue or valued assets.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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- 39. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer 2016-0891 to provide Metrolink with "pre-contract award authority" to procure the contracts required for the urgent track and structure rehabilitation work reported by Metrolink at its Board Meeting on September 23, 2016.
- **41.** APPROVED Knabe and DuBois Motion that:

- A. AUTHORIZES the Chief Executive Officer to execute a Modification to the Contract with the County of Los Angeles Sheriff's Department (LASD) to provide law enforcement services for an additional three months in an amount not-to-exceed the current monthly levels of contracted costs;
- B. INSTRUCTS the CEO to work with other policing agencies to develop transit enforcement MOUs; and
- C. REQUESTS staff to return to the Board with a policing plan that focuses on coordinating safety efforts on our bus and rail lines as they cross multiple jurisdictions.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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(Item 41 – continued from previous page)

CARRIED OVER TO FEBRUARY:

- A. RECEIVING AND FILING Metro's Comprehensive Security and Policing Principles Strategy;
- B. AUTHORIZING the Chief Executive Officer to negotiate and execute individual five-year firm fixed unit rate contract with the City of Long Beach Contract No. PS5862300LBPD24750 not-to-exceed \$27,088,968, and firm fixed unit rate contract with the City of Los Angeles, Contract No. PS5862100LAPD24750 not-to-exceed \$369,696,813, and a firm fixed price contract with the County of Los Angeles, Contract No. PS5863200LASD24750, or other local law enforcement agency(s), not-to-exceed \$149,800,051 for multi-agency law enforcement services effective January 1, 2017 through December 31, 2021; subject to resolution of protest(s), if any; and
- C. AUTHORIZING the Chief Executive Officer to negotiate and execute a demobilization/transition agreement with the County of Los Angeles Sheriff's Department for single agency law enforcement services; and
- D. AUTHORIZING the Chief Executive Officer to enter into Memorandum of Understandings with local law enforcement agencies based upon system expansion to provide flexibility as new bus and rail lines open.
- 42. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to 2016-0851 negotiate and execute sole source Contract No. PS 6394500 to Vertiba Inc., a Salesforce System Integrator, to enhance the TAP system in order to achieve maximum interoperability with regional systems and services including Bike Share, parking, ride-hailing companies, fare subsidy programs, electric vehicle car-sharing, gift card programs, mobility hubs, a mobile app and more in an amount not-to-exceed \$4,750,000.
- 43. APPROVED ON CONSENT CALENDAR **Motion by Antonovich and**2016-0909

  Najarian that authorizes the CEO to enter into negotiations with the SCRRA Chief
  Executive Officer and the Chief Executive Officers of the other Member Agencies to
  revise the Member Agency formulae for contributions and representation, such that:
  - A. Any proposed formula(s) for the allocation of costs and revenues of the Metrolink Commuter Rail system balance both the costs of system operations as well as the benefits received by each of the Member Agencies within their jurisdiction; and
  - B. Representation of each Member Agency on the SCRRA Board of Directors is aligned to more closely represent the current and expected future financial contributions to the Metrolink Commuter Rail system; and (Continued on next page)

(Item 43 – continued from previous page)

FURTHER MOVE THAT the CEO report back to the Metro Board of Directors, as needed, with an update on the status of these negotiations and any preliminary, proposed revisions to the formulas used in Member Agencies' costs, revenues and or representation on the SCRRA Board of Directors, and seek the formal approval of this Board prior to any agreement that would implement such revisions.

44. APPROVED Motion by Ridley-Thomas, Kuehl, Fasana and Garcetti to 2016-0920 direct the Chief Executive Officer, in consultation with relevant stakeholders, to report back in writing within 160 days on an implementation plan to completely decriminalize fare evasion amongst youth transit users, including ensuring that youth are not punished for fare evasion with fines they are unable to pay, or required to interact with law enforcement agencies, including the Sheriff's Department, various Police Departments, or the County's Probation Department.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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45. AUTHORIZED the Chief Executive Officer to award and execute a five-year, firm fixed unit rate Contract No. OP608960027253 to Axiom xCell Inc., for services related to the processing, adjudication and collection of transit and parking citations in an amount not-to-exceed \$1,586,533 effective January 1, 2017 through December 31, 2021, subject to resolution of protest(s), if any.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | В | HS | AN | DD |
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**46.** APPROVED BY TWO-THIRDS VOTE AS CORRECTED:

- 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 portions of APNs 6150-008-046, 6150-008-047 and 6150-008-048, consisting of the fee and leasehold interests in real property, together with a permanent easement, temporary construction easements, and Improvements Pertaining to the Realty (hereinafter the "Property" as identified in Attachment A). This acquisition is for the Willowbrook/Rosa Parks Station Improvement project.

(Item 46 – continued from previous page)

Within the fee area being acquired, Metro reserves to the owner, lessee and their invitees an easement for ingress and egress within a 42.20-foot wide strip along the Property's northern boundary beginning at Wilmington Avenue and extending easterly approximately 193.5 feet in length. The strip includes an existing driveway entrance to the shopping center.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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#### **47.** APPROVED BY TWO-THIRDS VOTE:

2016-0908

- A. HOLDING a public hearing on the proposed Resolution of Necessity; and
- B. ADOPTING a Resolution of Necessity authorizing the commencement of an eminent domain action to acquire a Fee Interest to 91 square feet of the private property located at 1657 Nadeau Street, Los Angeles (APN 6021-018-020). This acquisition is for the Metro Blue Line Pedestrian Swing Gates Project.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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#### **48.** APPROVED:

- A. APPROVING a Life-of-Project (LOP) budget increase by \$297.8M, from \$1,308.4M to \$1,606.2M for Project 405523, I-405 Sepulveda Pass Widening Project (Project); and
- B. AMENDING the Fiscal Year 2017 budget from \$23.3M to \$321.1M, an increase of \$297.8M for Project 405523; and
- C. APPROVING an extension of Stantec Consulting, Inc. (Stantec) Contract Work Order 2 (CWO 2) under Contract MC069 period of performance from December 31, 2016 to December 31, 2017 to complete close-out activities on the Project. This is a schedule extension only and has no impact on the budget.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | JB | HS | AN | DD |
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### 49. CLOSED SESSION:

2016-0929

A. <u>Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)</u> (1):

Grace King v. LACMTA, LASC Case No. BC582027

APPROVED settlement of \$500,000.

| DK | PK | JDW | MB | MA | MRT | JF | EG | SK | В | HS | AN | DD |
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| Α  | Υ  | Υ   | Υ  | Α  | Α   | Υ  | Υ  | Υ  | Α | Α  | Υ  | Υ  |

B. Conference with Real Property Negotiator - G.C. 54956.8

Property Description: 8421 Wilshire Boulevard, Beverly Hills, CA

Agency Negotiator: Calvin Hollis

Negotiating Party: City of Beverly Hills Under Negotiation: Price and Terms

NO REPORT.

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