

Thursday, March 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

*Via telephone:
Getty House
605 South Irving Blvd.
Los Angeles, CA 90005



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.

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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.

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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, MARCH 24, 2013**

CONSENT CALENDAR ITEMS	NON-CONSENT ITEMS	CLOSED SESSION
2	3	71
10	4	
15	16	
17	28	
24	37	
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26	65	
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1. APPROVE **Consent Calendar** Items: 2, 10, 15, 17, 24, 25, 26, 27, 39, 40, 42, 43, 44, 45, 48, 49, 50, 58, 59, 61, 62, 63, 64, 66 and 67.

CONSENT CALENDAR

2. APPROVE **Minutes of the Regular Board Meeting held February 28, 2013.**

10. AD-HOC SUSTAINABILITY COMMITTEE RECOMMENDED (3-0) adopting **a support position on principles related to the allocation of cap and trade revenues to ensure that a significant portion of cap and trade revenues are invested in transportation.** These principles should clarify that funds allocated to our region should be allocated by the county transportation commissions and will also guide advocacy efforts.

15. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (4-0):
 - A. **adopting the Debt Policy;**
 - B. **adopting the Interest Rate Swap Policy;** and
 - C. receiving and filing the Annual Report on Interest Rate Swaps.

17. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0):
 - A. supporting the renewal of the proposed **LA Fashion District 2014-2018 Business Improvement District (“BID”) in the City of Los Angeles and the resulting assessments on properties within the District boundaries owned by LACMTA;** and
 - B. authorizing the Chief Executive Officer or his delegate to sign any necessary petition and cast any subsequent ballots in support of the BID and property assessments.

CONSENT CALENDAR CONTINUED:

24. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving the **implementation of temporary park and ride lots at potential Transit Oriented Development sites adjacent to the Metro Red Line North Hollywood Station.**

25. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. approving **programming of up to \$18.6 million from fiscal year (FY) 2012 federal Department of Homeland Security - Transit Security Grant program and State Proposition 1B Transit Security Grant Program** funds that are available for eligible capital transit projects; and

 - B. adopting the required FY 2012 resolution authorizing the Chief Executive Officer to execute any actions necessary for obtaining state financial assistance that the California Emergency Management Agency may provide.

26. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to:
 - A. receive the draft schedule of actions required to finalize the **Public-Private Partnership (PPP) procurement of ARTI**;

 - B. enter into a bid stipend agreement in the amount of \$900,000 with each of the unsuccessful, qualified, short-listed proposers submitting responses to the ARTI Request for Proposals;

 - C. work with Caltrans and the State of California to secure enactment of State Budget authority for allocation of funds for Caltrans' share of ARTI operations and maintenance costs, and any approvals needed to secure the allocation; and

 - D. enter into Funding Agreements and Amendments to Existing Funding Agreements with Caltrans for preliminary preparation work commencing FY13 in anticipation of the ARTI Project, not to exceed \$10 million. **[HANDOUT]**

CONSENT CALENDAR CONTINUED:

27. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to enter into an Exclusive Negotiation Agreement with **A Community of Friends (Developer) to develop a mixed-use joint development project on vacant Metro property adjacent to the 1st/Lorena Traction Power Substation along the Metro Gold Line**; and amend the FY13 budget to allow any deposits collected from Developer to offset support costs.

39. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (4-0) as amended approving the **revisions to Service Policies and Standards**.

AMENDMENT: Directed staff to seek input from Governance Councils in the future.

40. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) approving an **implementation plan to better coordinate transit agencies' schedules development and transfers**.

42. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the CEO to **establish a life-of-project budget in the amount of \$130,800,000 for the refurbishment of the P2000 light rail vehicles, CP 206044**.

43. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to:

- A. execute a **five year (5) lease agreement commencing April 1, 2013, including three (3) one year options, with S & R Partners for the rental of approximately 100,000 square feet of land and 12,167 square feet of warehouse space for rail communication use located at 1251 North Spring Street, Los Angeles**, at an estimated rental cost of \$1,815,724.45 over the initial five year term of the lease; and

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CONSENT CALENDAR CONTINUED:

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- B. enter into a five year (5) lease agreement with Mod Space Corporation (dba “Mod Space”) for the lease of the existing trailers occupying the property at 1251 North Spring Street at an estimated rental cost of \$243,514 over the initial five year term of the lease.
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- 44. SYSTEM SAFETY AND OPERATIONS RECOMMENDED (4-0) authorizing the Chief Executive Officer to award, subject to resolution of protest, a five-year firm fixed unit rate contract to **Woods Maintenance Service Inc., the lowest responsive, responsible bidder, to provide trash and vegetation removal services for Metro Right-Of-Way and facilities** in an amount not-to-exceed \$11,440,638, inclusive of two option years, effective June 1, 2013.

 - 45. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a five-year firm fixed unit rate contract to **Nationwide Environmental Services Inc., the lowest responsive, responsible bidder to provide power sweeping services for all Metro facilities** in an amount not-to-exceed \$7,124,250, inclusive of two option years, effective June 1, 2013.

 - 48. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
 - A. negotiate and execute a three-year labor-hour contract, for **PS8510-3000 to Maintenance Design Group, LLC for Supplemental Engineering Services for Rail and Bus Maintenance** on a task order basis, inclusive of two one-year options with an initial amount not to exceed \$6,000,000;

 - B. negotiate and execute a three-year labor-hour contract, for **PS8510-3001 to LTK Engineering Services for Supplemental Engineering Services for Rail Systems Engineering** on a task order basis, inclusive of two one-year options with an initial amount not to exceed \$6,000,000;

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CONSENT CALENDAR CONTINUED:

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- C. negotiate and execute a three-year labor-hour contract, for PS8510-3002 to **JL Patterson & Associates, Inc. for Supplemental Engineering Services for Rail Facilities and Third Party** on a task order basis, inclusive of two one-year options with an initial amount not to exceed \$6,000,000;
 - D. execute individual Task Orders and changes within the Board approved contract amount;
 - E. negotiate with the next most qualified proposer should staff be unable to conclude negotiations with the selected firms; and
 - F. exercise the option of extending any of the three contracts for the two (2) one-year extensions subject to funding availability.
49. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) approving the proposed program in response to the **Director Knabe and DuBois motion with phased levels that include the following 6 tasks:**
- A. **implementation of A Regional Construction Coordination committee to improve coordination of all construction activities between all county agencies;**
 - B. **implementation of a system providing Construction Impacts on the Community and include an Alert Program giving real time Traffic Alert reliable information to the public;**
 - C. distribution of information via a mobile Metro app;
 - D. distribution of information via online centralized landing page;
 - E. distribution of information via social media tools; and
 - F. distribution of information via GPS tools.

CONSENT CALENDAR CONTINUED:

50. CONSTRUCTION COMMITTEE RECOMMENDED (4-0):

- A. authorizing the Chief Executive Officer to negotiate and execute an eight year cost-plus fixed fee contract, Contract No. **MC070, to ARCADIS, U.S., Inc. for Construction Management Support Services (CMSS)**, inclusive of two one-year options with an amount not-to-exceed \$3,500,000 for the first year;
- 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 and;
- C. delegating to the CEO, should staff be unable to conclude negotiations with ARCADIS, U.S., Inc., the authority to negotiate and execute a contract with the next most qualified proposer.

58. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (5-0)
adopting staff recommended positions on state legislation:

- A. **SB 33 (Wolk)** – Would allow local agencies to use Infrastructure Financing Districts to pay for public works projects. **SUPPORT WORK WITH AUTHOR**
- B. **AB 405 (Gatto)** – Would create a six-month demonstration project to evaluate part-time usage of HOV lanes on State Route 134. **SUPPORT WORK WITH AUTHOR**
- C. **AB 8 (Perea) and SB 11 (Pavley)** – Would extend existing funding for alternative fuels and air quality programs. **SUPPORT**

FAILED (2-3) to adopt:

- D. ~~**AB 1002 (Bloom)**~~ – ~~Impose vehicle registration surcharges to support sustainable communities strategies.~~ **WORK WITH AUTHOR**

CONSENT CALENDAR CONTINUED:

59. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (5-0) approving **amendments to Title 5, Chapters 5-10 and 5-20 of the Los Angeles County Metropolitan Transportation Authority Administrative Code, also known as the Board Code of Conduct and Contractors Code of Conduct.**
61. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED UNDER RECONSIDERATION (5-0):
- A. approving proposed amendment to the Federal Fiscal Year 2013 through 2015 **Disadvantaged Business Enterprise (DBE) Overall Goal from 14.2% to 27% for Federal Transportation Administration (FTA) funded contracts, in accordance with Title 49 Code of Federal Regulations (CFR) Part 26.45;** and
 - B. authorizing the CEO to submit DBE program waiver to the FTA Office of Civil Rights for limited application of race-conscious contract goals for ethnic groups that have been determined by the Disparity Study to have statistically significant disparities in contracting: African American, Asian-Pacific American, Subcontinent Asian, Hispanic American. The wavier shall also include Native Americans, who were, found to be an underutilized group; however, there were too few firms to test statistical significance.
62. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to negotiate modification to **Contract No. PS63502579 for an amount not-to-exceed \$712,000 to Zanett Commercial Solutions, Inc., to incorporate the development and implementation of a Vendor Certification and Labor Compliance Management System as an extension of the Contract Information Management System,** increasing the contract value from \$6,231,032 to a maximum of \$6,943,032, and extending the period of performance from twenty-seven months to thirty-six months.

CONSENT CALENDAR CONTINUED:

63. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (4-0) adopting the **following official and operational station names for the seven stations that comprise Metro Rail’s Expo Line Phase 2 extension:**

<u>Official Station Name</u>	<u>Operational Station Name</u>
A. Palms	Palms
B. Exposition/Westwood	Expo/Westwood
C. Exposition/Sepulveda	Expo/Sepulveda
D. Exposition/Bundy	Expo/Bundy
E. 26 th Street/Bergamot	26 th St/Bergamot
F. 17 th Street/Santa Monica College	17 th St/SMC
G. Downtown Santa Monica	Downtown Santa Monica

Any costs related to adopting these names will be borne by the Expo Construction Authority.

64. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (3-1) amending FY13 Budget for **reorganization, integration and expansion of TAP** to:

- A. add nine (9) Non-contract Full-Time Equivalent (FTE’s) to eliminate consultants and convert temporary employees to full time; and
- B. add twelve (12) Full-Time Equivalent (FTE’s) agency-wide to support gate latching, nine (9) contract FTE’s and three (3) non-contract FTE’s.

66. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (4-0) adopting the staff recommended position:

- A. **H.R. 1124 (Waters)** – Would provide a \$1 billion emergency supplemental appropriation for the Transportation Investment Generating Economic Recovery (TIGER) Program over the next two years. **SUPPORT**

CONSENT CALENDAR CONTINUED:

67. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) **ANTONOVICH, YAROSLAVSKY, NAJARIAN AND WILSON MOTION** that the MTA Board direct the CEO to recognize formally these priorities of the San Fernando Valley Council of Governments (SFVCOG) and return within 90 days with a presentation to the Board that includes the following for each of the SFVCOG transportation priorities:

- Current project status
- Current placement in the Long Range Transportation Plan
- Estimated costs
- Strategies for implementation
- Current and potential funding opportunities
- Recommended legislative initiatives as well as outreach plan to work with other jurisdictions and agencies
- Coordination with and integration into other MTA initiatives such as the Bus Rapid Transit Study

END OF CONSENT CALENDAR

NON-CONSENT

3. Chair's Report.
4. Chief Executive Officer's Report.
16. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0):
 - A. **adopting a resolution, that approves the selection of Wells Fargo Bank, National Association ("Wells") and forms of a revolving credit agreement, a second supplemental subordinate trust agreement and promissory notes;**
 - B. authorizing the Chief Executive Officer to **enter into a revolving line of credit for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,530,000**, including legal fees and other related expenses; and
 - C. authorizing the Chief Executive Officer to negotiate with each successfully ranked proposer if unable to reach agreement with the recommended proposer for agreements having the terms and estimated costs.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

28. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **ANTONOVICH AND NAJARIAN MOTION** that the MTA Board instructs the CEO to develop a North County Multimodal Integrated Transportation Study (NCMITS) that will serve as the update to the original North County Combined Highway Corridors Study (NCCHCS).

To accomplish this initiative, the CEO will:

- Identify a source of funding and report to the Board the amount and source of funding for the NCMITS

(Continued on next page)

NON-CONSENT CONTINUED:

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- Work collaboratively with and seek policy guidance from the County of Los Angeles and Cities of Lancaster, Palmdale and Santa Clarita through the North County Transportation Coalition (which provided policy oversight for the NCCHCS) in developing the NCMITS
- Develop a work plan to reach out to and include in this process the following parties:
 - North County local jurisdictions – Lancaster, Palmdale, Santa Clarita, Los Angeles County
 - Adjacent jurisdictions (e.g. Kern County, San Bernardino County)
 - Transportation stakeholders (e.g., Antelope Valley Board of Trade, Santa Clarita Chamber of Commerce)
 - Potential partners (e.g., California High Speed Rail, XpressWest)
 - Other interested stakeholders
- Include as part of the NCMITS the development of an airport ground access / modal connectivity study that will assist the City of Palmdale’s efforts to meet Part 139 re-certification process requirements for the Palmdale Airport’s master plan.
- Include as part of the NCMITS the development of a feasibility study for an Inland Multimodal Freight Transfer Facility (i.e., “inland port”), including a full review of the opportunities for and barriers to implementing such a facility, with recommendations on overcoming any barriers to making this facility feasible.
- Include as part of the NCMITS a fixed guideway transit feasibility and assessment study for the Santa Clarita Valley and Antelope Valley to accommodate long-term growth and transit needs.

The CEO will report back to the MTA Planning and Programming Committee in April with an update on the status of this Board direction and a proposed timeline for completing the NCMITS.

NON-CONSENT CONTINUED:

37. RECEIVE **report on System Safety and Operations.**
60. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED APPROVAL (5-0) and EXECUTIVE MANAGEMENT FORWARDED WITHOUT RECOMMENDATION pending inclusion of language assuring project sequences are not changed issuing the appropriate notices to enable an **amendment to the Measure R Expenditure Plan to advance “Funds Available Beginning” dates for transit corridor projects as shown in the Proposed Measure R Expenditure Plan.**

65. RECEIVE report on **Civil Rights Compliance Update.**

68. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) approval of **YAROSLAVSKY MOTION** that the monthly maintenance fee be waived for 6 months 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.

(CARRIED OVER FROM FEBRUARY BOARD MEETING)

69. 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 Parcel HS-2206 (APN 4015-019-024), consisting of the real property and any immovable fixtures and equipment relating to the Crenshaw LAX Transit Corridor Project.**

NON-CONSENT CONTINUED:

70. **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 existing LOP/contingency approved by the board.

FURTHERMORE 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.

(CARRIED OVER FROM FEBRUARY BOARD MEETING)

END OF NON-CONSENT ITEMS

71. **CLOSED SESSION:**

- A. 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.