

# Agenda

Los Angeles County  
Metropolitan Transportation Authority

## Regular Board Meeting Board of Directors

One Gateway Plaza  
3rd Floor Boardroom

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### Call to Order

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### Directors

Zev Yaroslavsky, Chair  
Frank Roberts, 1st Vice Chair  
James Hahn, 2nd Vice Chair  
Mike Antonovich  
Yvonne Brathwaite Burke  
John Fasana  
Don Knabe  
Tom LaBonge  
Martin Ludlow  
Gloria Molina  
Pam O'Connor  
Beatrice Proo  
Antonio Villaraigosa  
Ron Wong, non-voting member

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### 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**

## **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.

**At the discretion of the Chair**, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

**In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.**

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:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.  
A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.  
Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and  
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 cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

## **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**

A cordless microphone is available for those persons with mobility impairments who cannot access the public speaking area. American Sign language interpreter services and agenda in Braille are available by giving notice at least three business days in advance of the meeting. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

## **HELPFUL PHONE NUMBERS**

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)

General Information/Rules of the Board - (213) 922-4600

Internet Access to Agendas - [www.mta.net](http://www.mta.net)

TDD line (800) 252-9040

**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, FEBRUARY 26, 2004**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY ITEMS	NON CONSENT ITEMS	CLOSED SESSION
2	20	3	12
7	21	4	
11	33	6	
18	34	10	
30	35	38	
31	37	41	
32		42	
36		43**	
39		44**	
40		45	
** Requires 2/3 vote of the Board			

1. APPROVE **Consent Calendar** Items: 2, 7, 11, 18, 30, 31, 32, 36, 39, and 40.

NOTE Committee Authority items 20, 21, 33, 34, 35, and 37

## CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held January 22, 2004.
7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) adopting the **Conceptual Joint Development Guidelines for the MTA's Metro Gold Line** First/Boyle, First/Soto/, First/Lorena, and Cesar Chaves/Soto joint development sites.
11. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) SUPPORT – WORK WITH AUTHOR POSITION on **federal legislation** H.R. 3550, TEA-LU which would reauthorize the federal highway, public transportation, highway safety, and motor carrier safety program for six (6) years, from fiscal years 2004 through 2009.
18. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0) award of a five-year, indefinite quantity requirement – unit rate contract No. PS0451101481, to OPTISOURCE Technologies, Inc. **for imaging and archiving accounting documents**, for an amount not to exceed \$255,610, inclusive of two one-year options, effective March 1, 2004.
30. OPERATIONS COMMITTEE RECOMMENDED (5-0) accepting a **grant from the United States Department of Homeland Security** in the amount of \$4,577,000 and AMENDING the FY04 budget to reflect this increase in revenues and expenditures.

- 31. OPERATIONS COMMITTEE RECOMMENDED (5-0) award of a 24-month firm fixed-price requirements contract under Bid 04-0002 to Century Wheel and Rim, the lowest responsive and responsible bidder, for 6,700 **aluminum bus wheels** for an amount not to exceed \$2,140,825 inclusive of sales tax.
  
- 32. OPERATIONS COMMITTEE RECOMMENDED (4-0) adopting specified funding levels for FY02, FY03, FY04 and FY05 as required by a Memorandum of Understanding (MOU) between the Southern California Regional Rail Authority (SCRRA) and the MTA, for the contract of specified **law enforcement services on rights of way (ROWS) within Los Angeles County** on which Metrolink operates.

Memorandum of Understanding (MOU)  
Funding Level

FY02	\$1,336,816
FY03	\$1,390,289
FY04	\$1,445,901
FY05 *estimated	\$1,503,737*

- 36. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) award of a six-year, firm fixed-unit-rate-price Contract No. OP-3630-4017, to Trojan Portable Services, for **portable toilet services** for an amount not to exceed \$504,519 inclusive of two one-year options effective March 1, 2004.
  
- 39. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) adopting a proposed **policy for position authorization and compensation** including Board approval of the following:
  - 1. On an annual basis, the budgeted number of positions and estimated salary and benefit costs for each classification, by department;
  - 2. Any increases to the number of positions occurring during the fiscal year that exceed budgeted authority;
  - 3. On an annual basis, the non-represented employee salary schedule
  - 4. All new non-represented classifications created during any fiscal year;
  - 5. All non-represented position re-classification upgrades not included in the approved fiscal year budget; and
  - 6. Any special benefit arrangements for hires that deviate from existing policy.

40. CONSTRUCTION COMMITTEE RECOMMENDED (3-0-2):

- A. an increase to Contract No. EN069 with CH2M Hill Constructors, Inc. (CCI), for an amount not to exceed \$2,480,000 to issue additional contract work orders for **known or suspected hazardous and contaminated environmental waste handling services** through Fiscal Year 2004, increasing the total contract value from \$7,850,000 to \$10,330,000; and
- B. delegating to the Chief Executive Officer an additional \$1,800,000 to issue contract work orders to Contract No. EN069 with CCI for future unknown environmental waste handling services that may impact the Metro Orange Line Project, increasing the future total contract value from \$10,330,000 to \$12,130,000.

**APPROVED UNDER COMMITTEE AUTHORITY**

- 20. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0-1) execution of Modification No. 3 to Contract No. EN070 with Ultrasystems Environmental, to provide **Environmental Compliance Services** through fiscal year 2005 for an amount not to exceed \$281,000, increasing the total contract value from \$1,620,000 to \$1,901,000
  
- 21. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (5-0) execution of Amendment No. 11 to Contract No. EN068, with MACTEC Engineering and Consulting Inc. (formerly, Harding Lawson ESE), to provide **Environmental Engineering Services** through fiscal year 2005 for an amount not to exceed \$1,705,507, increasing the total contract value from \$5,637,493 to \$7,343,000.

33. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) execution of Modification No. 1 to Contract No. OP33445326 with Accent Landscape, Inc. to provide **landscape and irrigation maintenance services** for the Metro Pasadena Gold Line stations, facilities and seven additional Metro transit locations, for a period of one year for an amount not to exceed \$232,688 increasing the total contract value from \$3,073,158 to \$3,305,846.
  
34. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a three-year contract at fixed-unit rates under Bid 04-0001 with Unisource Worldwide, the lowest responsive, responsible bidder for **copier paper** for an amount not to exceed \$851,857 inclusive of sales tax and two one-year options
  
35. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) execution of Contract Modification No. 1 to Contract No. OP33440662 with Nationwide Environmental Services, to provide **power-sweeping services for Pasadena Gold Line station parking lots and yards** for a period of 47 months, for an amount not to exceed \$243,456, increasing the total contract value from \$2,341,935 to \$2,585,391.
  
37. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a five-year, firm fixed-unit-rate contract No. OP33441448 to Pestmaster Services Inc., to provide **herbicide application services for Metro transit rights-of-way and facilities**, for an amount not to exceed \$847,179 inclusive of two one-year options, effective March 1, 2004.

**NON-CONSENT:**

3. Chair's Report
4. Chief Executive Officer's Report
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMEND (5-0) AS AMENDED BY YAROSLAVSKY:
  - A. adopting the resolution certifying to the Southern California Association of Governments (SCAG) that the **Los Angeles County Transportation Improvement Program (TIP) is the "highest priority" for transportation funding** by the MTA and other agencies in Los Angeles County;
  - B. approving a \$1.79 billion amendment to schedule project funding and add projects (recommendations B-3 and B-4) to the 2004 County Transportation Improvement Program (TIP), as follows:
    1. Programming actions totaling \$786.3 million that implement the 2003 Short Range Transportation Plan (SRTP) for Los Angeles County;
    2. The 2004 State Transportation Improvement Program (STIP) for Los Angeles County totaling \$728.3 million, including the designation of \$110.1 million in replacement project funding for the Route 10 Carpool Lane project from Route 605 to Puente Avenue;
    3. Grant Anticipation Revenue Vehicle (GARVEE) bond financing totaling \$199.5 million for the Interstate 5/Carmenita Road Interchange (right-of-way and construction) and the Route 14 Carpool Lane project from Pearblossom to Avenue P-8 (construction); and
    4. Programming of \$74.2 million in regional funds potentially made available by prior GARVEE bonds to the Route 5/Route 14 Connector project.
  - C. reprogramming \$81.9 million of 2002 STIP projects to receive Proposition C 10% and Proposition C 25% funds (cash or bonds) instead;



- D. approving up to \$73.6 million of regional Proposition C 10% and Proposition C 25% funds (cash or bonds) in FY 2005 for AB 3090 replacement project financing that will be used for the ready-to-go 2004 STIP projects; and
- E. approving programming of AB 3090 replacement project funding received from Recommendation D, to the \$195.6 million in non-Caltrans Call for Projects deferrals.

**AMENDMENT:** In all appropriate documents related to Item #6, staff substitute the Exposition LRT project for the Mid-City Wilshire transit corridor (BRT) project to reflect the Exposition project as our next highest transit priority after the Eastside. This switch will preserve both projects but will ensure that the Exposition project remains on schedule as the Agency's next highest transit priority.

- 10. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) APPROVAL AS AMENDED TO WORK WITH AUTHORS on **state legislation** ACA 21 (Bogh & Spitzer) which would increase the vote threshold to suspend Proposition 42 from two-thirds (2/3) to four-fifths 4/5 of the Legislature.
  
- 38. FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to execute the following documents and agreements:
  - A. a purchase and sale agreement (the "Purchase & Sale Agreement") with the Los Angeles Unified School District ("LAUSD"), which will provide for the **sale to LAUSD of a 2.59-acre portion of the 5.83-acre, MTA-owned block at the Wilshire/Vermont Metro Red Line Station** (such portion, the "School Site"), for the construction and development of a public school thereon, and will contain the key terms and conditions;
  - B. a grant deed ("Grant Deed") and related documents necessary to convey the School Site to LAUSD and effectuate the intent of the Purchase & Sale Agreement;
  - C. an amendment to the existing MTA/Wilshire Vermont Housing Partners LLC ground lease (the "Ground Lease Amendment") covering that 3.24-acre portion of the 5.83-acre block not comprising the School Site, which (a) will allow Wilshire Vermont Housing Partners LLC ("WVHP") to offset up to \$479,954 in rent thereunder to cover a portion of the cost to

construct a new MTA bus layover facility on the 1.02-acre MTA-owned parcel on the northeast corner of Wilshire and Shatto (the “Wilshire/Shatto Parcel”), and (b) will require WVHP to refund such abated rent to MTA in the event the sale of the School Site to LAUSD fails to close;

- D. an option to ground lease (“Option to Ground Lease”) with a development affiliate of Urban Partners LLC (the “UP Affiliate”), which Option to Ground Lease will contain the business terms under which MTA would ground lease the School Site to the UP Affiliate, if the sale of the School Site to LAUSD does not occur, and, in particular, will contain the key terms and conditions set forth; and
- E. a ground lease of the School Site with the UP Affiliate (the “Back-Up Ground Lease”) pursuant to the terms and conditions set forth in the Option to Ground Lease, if the UP Affiliate exercises its option to lease under the Option to Ground Lease.

41. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):

- A. approving and certifying the Addendum/Modified Initial Study to the Final Environmental Impact Report (EIR) for the San Fernando Valley East-West Transit Corridor (now known as Metro Orange Line) to construct the proposed **Warner Center Park-and-Ride facility** and possible minor modifications, subject to the clarifications;
- B. authorizing the Chief Executive Officer to file a Notice of Determination of the Addendum/Modified Initial Study with the Los Angeles County Clerk;
- C. approving the development of a surface park-and-ride at the Boeing property located along the MTA right-of-way, extension of the Metro Orange Line concept to serve the park-and-ride, and the acquisition of the Boeing site subject to Board approval of final terms; and
- D. authorizing the Chief Executive Officer to solicit and award a design/build contract for the preferred park-and-ride option.

(CARRIED OVER FROM JANUARY BOARD MEETING)

42. FASANA MOTION that:
- A. staff to return to the Board within 30 days with their completed analysis on the cost and administrative structure to implement, operate and maintain a **Regional UFS Clearinghouse**;
  - B. the Board allocate necessary regional funding for the purchase and acquisition of equipment;
  - C. staff return to the Operations Committee on a monthly basis to report on the status of the procurement, cost and schedule to complete this final segment of the UFS regional program until it is fully operational.

43. CONSIDER:

- 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 Assessor Parcel Nos. 5147-035-004, 005, 006, 007 and 008** for the Division I land acquisition and expansion project.

(Requires 2/3 vote of the Board)

44. CONSIDER:

- 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 Assessor Parcel No. ES-562 for the Eastside Gold Line Extension Project.**

(Requires 2/3 vote of the Board)

45. APPROVE:

- A. the **reclassification of the non-represented position** of Executive Officer, Rail Construction (grade BB) to the non-represented classification of Chief Capital Management Officer (Grade DD); and
- B. the creation of a new non-represented classification titled Director, Federal Advocacy (Grade Q).

12. CLOSED SESSION:

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

- 1. Brian C. v. MTA BC 277347
- 2. MTA v. Allianz Insurance Co. Arbitration No. 1220029817
- 3. Terry Industries v. MTA BC290857

B. Conference with Labor Negotiator-G.C. 54957.6:

Agency Negotiators: Roger Snoble and Brenda Diederichs  
Employee Organizations: ATU, TCU, UTU, and Engineers and Architects Association

C. Personnel Matters - G.C. 54957

Public employee employment (Chief Capital Management Officer)

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

ADJOURNMENT



