

RECAP/ DRAFT MINUTES

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:35 a.m.

Directors Present:

Ara J. Najarian, Chair
Michael Antonovich
Diane DuBois
John Fasana
Tom LaBonge*
Richard Katz
Gloria Molina
Pam O'Connor
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky
Vacant, non-voting member

*Sat in for José Huizar

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, 7, 22, 30, 31, 32, 34, 35 and 47.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	A	Y	A	Y	A	Y	Y	A	A	A	

2. APPROVED ON CONSENT CALENDAR **Minutes of Regular Board Meeting** held January 28, 2010 and **Special Board Meeting** held February 1, 2010.
3. RECEIVED **Chair’s Report**.
4. RECEIVED **Chief Executive Officer’s Report**.
5. APPROVED ON CONSENT CALENDAR one additional “Build Alternative” for study in the **Regional Connector Draft Environmental Impact Study/Report**.
The additional “Build Alternative” is a Fully Underground LRT Alternative (Little Tokyo Variations 1 and 2) – underground alternative via Second Street and under First and Alameda Streets. This alternative would be in addition to the Metro Board’s previous approval to include: the “No Build”, TSM, and two build alternatives.
7. APPROVED ON CONSENT CALENDAR authorizing:
 - A. the Chief Executive Officer to enter into a **Memorandum of Understanding with the South Bay Cities Council of Governments** in the amount of \$401,505 for development of a Measure R Highway Program Implementation Plan. Measure R dollars earmarked for the South Bay region will be used to fund this effort; and
 - B. FY 2010 reimbursements for an amount not to exceed \$46,400, retroactive to February 1, 2010.

RR = R. Robinson	TL = T. LaBonge*	PO = P. O’Connor	ZY = Z. Yaroslavsky
RK = R. Katz	AV = A. Villaraigosa	AN = A. Najarian	DK = D. Knabe
DD = D. DuBois	MRT = M. Ridley-Thomas	MA = M. Antonovich	GM = G. Molina
JF = J. Fasana			*Sat in for Director Huizar

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

18. APPROVED RIDLEY-THOMAS AND VILLARAIGOSA MOTION that the MTA Board directs the Inspector General to:

- 1. Conduct a **comprehensive audit of MTA’s litigation costs and cost management performance**, including but not limited to:
 - A. An inventory of all claims and litigation cases within the last five years, including:
 - 1) Payouts
 - 2) Outside counsel costs
 - 3) Litigation expenses
 - 4) County Counsel costs
 - 5) Type/nature/category of claim
 - B. Evaluation of the efficacy and effectiveness of MTA’s current policies, procedures, and practices:
 - 1) Case management practices and supervision
 - 2) Risk management
 - 3) Compliance with policies, procedures, and practices
 - 4) Adherence to industry best practices in limiting costs/expenditures
 - 5) Review and approval process of payouts and settlements
 - 6) Communication with MTA Board members
 - 7) Advice to management aimed at limiting future liability payouts through changes in management, policies, procedures, and practices
 - C. Any other information that would provide context, background, and/or analysis to the MTA Board about how litigation costs are currently managed
- 2. Report back to the MTA Board no later than the June 2010 Board meeting.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	

22. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to amend the FY10 MOU with Access Services Incorporated (ASI) to reduce its annual funding for FY11 and each consecutive year by \$600,000 annually in exchange for the use of office space at Division 9 in El Monte; and
- B. executing a month-to-month lease which, after certain conditions are met, will convert to a five-year **lease agreement between ASI and LACMTA for providing office space** at 3449 Santa Anita Avenue, El Monte, CA.

30. APPROVED ON CONSENT CALENDAR:

- A. receiving Congestion Mitigation Fee Study Status Report; and
- B. authorizing the Chief Executive Officer to modify the existing firm fixed price contract with Cambridge Systematics, Inc. to conduct the **Congestion Mitigation Fee Study Nexus Analysis** and increase the contract amount by a not-to-exceed figure of \$1,133,413.

31. APPROVED ON CONSENT CALENDAR reprogramming \$1,866,100 in LACMTA prior year surplus funds to offset LACMTA's share of **Southern California Regional Rail Authority projected operating deficit for the Metrolink commuter rail service** for the remainder of FY 2009-10.

32. APPROVED ON CONSENT CALENDAR:

- A. extending the **Transit Service Operation Agreement between LACMTA and the City of Glendale for the Glendale Beeline Route 3** for an additional two years; and
- B. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements between LACMTA and the City of Glendale for funding approval.

34. APPROVED ON CONSENT CALENDAR:
REVISED HUIZAR MOTION that:
1. Metro serve as the responsible lead agency for the coordination of expedited environmental review for **the Downtown L.A. Streetcar and integrated Broadway Streetscape Master Plan**;
 2. Metro approve the appropriate budget and staffing resources necessary to do this work, subject to a legally binding agreement with the CRA/LA to reimburse Metro for 100% of the costs; and
 3. the Board authorize the CEO to execute this agreement.
35. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
- A. support the City of Los Angeles' application to the Federal Transit Administration under its 5309 Discretionary Grant program for development of the **Bringing Back Broadway Los Angeles Street Car initiative**;
 - B. assist the City in completing the required environmental analysis and clearances;
 - C. execute agreement(s) with the City of Los Angeles for MTA to be the responsible agency for the appropriate environmental clearances for this project;
 - D. execute appropriate agreements with the City of Los Angeles to insure that MTA is reimbursed for all MTA incurred costs, including staff and consultant services, for environmentally clearing this project;
 - E. initiate actions necessary to procure environmental consultants for this project; and
 - F. the partnership will include CRA/LA reimbursing MTA for the expenses incurred, making this a budget-neutral partnership for the MTA.

47. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to amend the existing **Los Angeles County Congestion Reduction Demonstration Memorandum of Understanding with the United States Department of Transportation** to extend the deadline for the conversion of the High-Occupancy Vehicle lanes to High-Occupancy Toll lanes on Interstates 10 and 110 for up to 19 months to allow for the completion of the roadway improvements for each corridor.

49. WITHDRAWN:

A. adopting the proposed **near-term strategies and priority-setting criteria for developing the 2011 Los Angeles County Transportation Improvement Program (TIP) to address current and projected revenue shortfalls**; and

B. directing that any additional federal transportation funds provided from future economic stimulus and/or job creation legislation be folded into the 2011 Los Angeles County TIP and be used for the timely fulfillment of Measure R and other Long Range Transportation Plan commitments that would not be possible otherwise due to the economic downturn and state budget issues.

52. APPROVED O'CONNOR MOTION that the Metro Board instruct the CEO and staff to take the necessary steps to **place Metro on the Google Nominations List** as a candidate for one of the "ultra high-speed" broadband prototype network demonstration projects.

Further move that Metro staff:

- Review Metro's ability to host the Google network, including legal status of its rights of way, condition of existing fiber conduit and vaults, inventory station adjacent neighborhoods and institutions, and so forth;
- Communicate Metro's interest to Google and verify that Metro's model would qualify for consideration;
- Work in consultation with SCAG, the City and County of Los Angeles, and cities with Metro rail stations to mount a potent, unified application; and
- Complete these tasks in an expeditious manner in order to meet the March 26 deadline.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	

53. APPROVED AS AMENDED O’CONNOR MOTION that the Metro Board direct staff to work with the Planning and Programming Committee in conjunction with the Operations Ad Hoc Congestion Pricing Committee to **examine the problems confronting the Artesia Transit Center** with input from the South Bay Sector Council, the South Bay Cities COG and members of the transit riding public in an effort to address the resolution of providing public restroom facilities at select Metro transit centers.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	Y	Y	A	Y	A	Y	A	Y	Y	Y	

54. APPROVED AS AMENDED BY FASANA:

DUBOIS AND O’CONNOR MOTION that Metro Capital Planning staff bring to the Planning and Programming Committee a review of the issues concerning **eligible Job Access and Reverse Commute (JARC) and New Freedom projects and programs**. This review should include: an accounting of how many grants have been awarded, the date on which they were awarded, and the date an MOU was executed between MTA and the grantee. Furthermore, this review should include the scores and rankings from past Calls and a description of the methodology and process used to score and rank the submitted projects. Further move that the Board of Directors rescinds the “staff approval” of the solicitation of projects and that staff recommendations along with project score and rankings shall be presented to the Planning and Programming Committee for its review and recommendations to the full Board.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	A	Y	Y	Y	A	Y	A	Y	Y	A	Y	Y	

55. APPROVED the following nominee for membership on the **South Bay Service Sector Governance Council**:

James Goodhart, Councilman, City of Palos Verdes Estates –
 New appointment to fill position vacated by John McTaggart
 Appointed by: South Bay Cities Council of Governments
 Term ending: January 2011

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	A	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	

56. APPROVED RECOMMENDATION B AS AMENDED:

- A. ~~changing the Ad Hoc Sustainability Committee name to Ad Hoc Sustainability and California Senate Bill (SB) 375 Implementation Committee;~~
- B. ~~expanding membership of the committee to include the SB 375 planning director from the Southern California Association of Governments (SCAG); the planning directors from Los Angeles County and the City of Los Angeles, the executive directors from the subregions, and the Air Quality Management District;~~
creating an Ad Hoc California Senate Bill (SB) 375 Implementation Committee which will include multiple sub-regional entities.

CARRIED OVER RECOMMENDATIONS C AND D:

- C. adopting a position of support for the Chief Executive Officer’s recommendation to develop written agreements with SCAG, Los Angeles County, the City of Los Angeles, and the sub-regional agencies outlining roles, responsibilities, and expectations related to SB 375 implementation and the adoption of a Sustainable Communities Strategy; and
- D. directing staff to create a countywide forum on SB 375 to address issues being confronted by SCAG and the sub-regions related to the development of a Sustainable Communities Strategy, including the modeling approach and emission reduction strategies, among others.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	

57. WITHDRAWN approving resolution in support of **Local Taxpayer, Public Safety and Transportation Act of 2010.**

58. APPROVED contract modification authority for Contract C0933, **Division 21 Phase II improvements**, for an amount not to exceed \$800,000.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	ABS	Y	Y	Y	A	Y	A	A	A	Y	Y	Y	

59. AUTHORIZED the Chief Executive Officer to award a firm fixed price contract under IFB No. OP34342407 with Fairway Ford, the lowest responsive and responsible bidder, for **11 field technician lube trucks** for an amount not to exceed \$1,267,097, inclusive of sales tax.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	ABS	Y	Y	Y	A	Y	A	A	A	Y	Y	Y	

60. RECEIVED AND FILED report responding to the Board Motion requesting staff to return to the Board regarding **various items related to the adoption of the 2009 Long Range Transportation Plan**.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	A	Y	

61. **Closed Session:**

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

1. Maria Lopez v. LACMTA, Case No.: BC404802

APPROVED settlement in the amount of \$300,000.

RR	TL	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
A	A	Y	Y	Y	A	Y	A	Y	Y	Y	Y	Y	

2. Tutor-Saliba-Perini v. LACMTA, Case No.: BC123559

NO REPORT.

- B. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b):

Significant Exposure to Litigation (one case)

NO REPORT.

- C. 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.

NO REPORT.

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