

RECAP OF PROCEEDINGS/ 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
Don Knabe, 1st Vice Chair
Antonio Villaraigosa, 2nd Vice Chair
Michael Antonovich
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Pam O'Connor
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky

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, 8, 11, 17, 26, 34, 37, 45, 46, 48, 50, 53 and 54.

Removed Item 16 from Consent Calendar.

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

CONSENT CALENDAR ITEMS

- 2. APPROVED ON CONSENT CALENDAR **Minutes of Regular Board Meeting** held February 25, 2010.

- 5. APPROVED ON CONSENT CALENDAR finding that all 89 jurisdictions are in **conformance with the Congestion Management Program** for Los Angeles County.

- 6. ADOPTED ON CONSENT CALENDAR the **Los Angeles-San Diego-San Luis Obispo (LOSSAN) Corridor Agency revised Joint Exercise of Powers Agreement and Bylaws.**

- 8. APPROVED ON CONSENT CALENDAR :
 - A. **amending the Fiscal Year (FY) 2010 Budget** to reflect:
 - 1. increases in Measure R 20 Percent (R20) Bus Operations FY 2010 funding marks by \$23.3 million;
 - 2. a reduction of Transportation Development Act Article 4 (TDA4) FY 2010 funding marks by \$24.1 million;
 - 3. transfers of \$8.9 million of Proposition A Interest and \$11 million of Proposition C Interest to the Proposition A 40 Percent Transit Fund, 95 percent of 40 percent, (PA40);

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4. a transfer of \$9.3 million Proposition C Interest to the Proposition C 40 Percent (PC40) Fund;
 5. reductions of Transportation Development Act Articles 3 and 8 FY 2010 funding marks;
- B. authorizing the transfers and loan of:
1. \$13.6 million of Proposition C Interest to PA40 Transit Fund;
 2. \$24.1 million from the TCRP fund to the PA40 Transit Fund;
 3. \$15.8 million from the TCRP fund to the R20 Bus Operations Fund.
11. APPROVED ON CONSENT CALENDAR LaBonge Motion that the MTA Board direct the Chief Executive Officer to report back in 90 days with preliminary estimates of the feasibility, ridership and cost of **extending Red Line and Purple Line service** from the current terminus at Union Station via the existing track spur south to 6th Street in downtown Los Angeles.
17. APPROVED ON CONSENT CALENDAR amending the Fiscal Year 2010 General Fund budget by \$720,000 to establish a reserve to pay Philip Morris and related **costs resulting from the loss of leased buses**.
26. APPROVED ON CONSENT CALENDAR approving a life-of-project budget of \$1.695 million to design and implement a **project management information system** for Measure R and other MTA construction projects.
34. APPROVED ON CONSENT CALENDAR **revisions to the Los Angeles County Metropolitan Transportation Authority Rules and Procedures**.

37. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year, professional service, firm, fixed-price contract, No. PS107140706, to Inland Transportation Services to provide **rideshare survey, incentive program management and customer service**, in an amount not to exceed \$2,420,266, inclusive of four, one-year options, effective April 18, 2010.
45. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:
- A. approve contract modification authority to Contract No. C0938, **Hoist Replacement at Bus Maintenance Divisions 1, 8, 9, and 15**, with Mallcraft, Inc. in the amount of \$1.6 million; and
 - B. execute contract modifications to Contract No. C0938, to provide additional replacement hoists at bus maintenance Divisions 7 and 8, for an amount not to exceed \$1.6 million, allowing an increase to the Total Contract Value from \$4,261,678 to \$5,861,678.
46. AUTHORIZED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid No. 10-0008 to the lowest responsive and responsible bidders for **brake shoes, blocks and drums** for an amount not to exceed \$4,507,017, inclusive of sales tax and two one-year options to the following bidders:
- A. Onyx Fleet Pride for line items 1 (Brake Shoe Front), 2 (Brake Shoe Rear), 3 (Brake Shoe Rear Type 3), 6 (Brake Blocks Rear), 7 (Brake Blocks Front), 8 (Brake Blocks Cast Plus Rear) and 9 (Brake Block Cast Plus Front) for a total contract value of \$2,627,071, inclusive of sales tax;
 - B. North American Bus Industries (Bid No. 1) for line item 4 Brake Shoe (Rear Cast Plus) for a total contract value of \$330,509, inclusive of sales tax and;
 - C. Truck Trailer and Transit for line item 5 (Brake Shoe - Front 6") for a total contract value of \$334,647, inclusive of sales tax; and

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- D. American Moving Parts for line item 10 (Brake Drums Front 6") for a total contract value of \$110,200, inclusive of sales tax and;
- E. Vehicle Maintenance Program for line items 11 (Brake Drum Rear), 12 (Brake Drum Front Bolt Circle), 13 (Brake Drum Rear), and 14 (Brake Drum Front Bolt Circle) for a total contract value of \$1,104,590, inclusive of sales tax.

48. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

- A. award the following six-year fixed unit-rate **Big Rig Freeway Service Patrol (FSP) contracts** in an amount not to exceed \$9,180,250, inclusive of two, single year options for each contract; and

<u>Beat</u>	<u>Contract</u>	<u>Contractor</u>	<u>Amount</u>	<u>Contract Period</u>
60	FSP10BR-60	Hadley Tow	\$4,590,125	08/01/10-07/31/16
61	FSP10BR-61	Hadley Tow	\$4,590,125	08/01/10-07/31/16

- B. execute Contract Modification No. 5 to Contract No. FSP05-BR1647 with U.S. Tow, Inc. to provide FSP Big Rig Service for a period of two months in an amount not to exceed \$225,000, increasing the total contract value from \$3,757,454 to \$3,982,454.

Authorization subject to resolution of protests.

- 50. ADOPTED ON CONSENT CALENDAR the agreement to **authorize certain individuals at the Los Angeles County Metropolitan Transportation Authority to act as representatives to acquire surplus property** through the auspices of the California State Agency for Surplus Property.
- 53. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **negotiate a salary within the pay range for the Chief Operating Officer position** (pay grade CC, \$190,621 - \$278,793).

54. APPROVED ON CONSENT CALENDAR :

- A. adopting a position of support for the Chief Executive Officer's recommendation to offer to develop cooperative agreement(s) with the Southern California Association of Governments (SCAG), the County of Los Angeles, the City of Los Angeles, and sub-regional agencies to ensure a common understanding of **roles, responsibilities, and expectations related to California Senate Bill (SB) 375 implementation** and the adoption of a Sustainable Communities Strategy; and
- B. directing staff to create a technical working group 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, the development of countywide planning tools, and emission reduction strategies, and others.

NON-CONSENT CALENDAR ITEMS

- 3. RECEIVED Chair's Report.
- 4. RECEIVED Chief Executive Officer's Report:
 - Recognized and presented resolution to Operator Helen Brandon for reuniting a child kidnapped aboard a Metro Bus with her mother.
- 9. APPROVED:
 - A. adopting the proposed near-term strategies and priority-setting criteria for **developing the 2011 Los Angeles County Transportation Improvement Program (TIP)** and addressing current and projected revenue shortfalls;
 - 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 (LRTP) commitments that would not be possible otherwise due to the economic downturn and state budget issues;

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- C. adopting the recommended priorities for the first ten years of the 2009 LRTP;
- D. programming \$26.1 million of Corridor Mobility Improvement Account funds to the Interstate 10 High Occupancy Vehicle Lanes Project (Puente Avenue-Citrus Avenue) and utilize any funds freed up for other projects as appropriate using the recommended priorities;
- E. approving the programming of \$2.76 million in Federal Transit Administration (FTA) Section 5311 funds for Los Angeles County for a six-year period and any additional amounts that may become available through the reauthorization of SAFETEA-LU or other federal legislation; and authorizing the Chief Executive Officer (CEO) or his designee to identify projects annually;
- F. authorizing the CEO to select and program eligible projects for funding using additional FTA Section 5307 revenues to be generated by the Metro Vanpool program for the next seven years;
- G. approving the Measure R Highway Operational Improvement Project Lists for the Arroyo Verdugo and Las Virgenes-Malibu Subregions;
- H. authorizing staff to submit the 2011 Los Angeles TIP consistent with the recommended LRTP priorities and other programming actions herein;
- I. adopting the resolution certifying to the Southern California Association of Governments that the Los Angeles County TIP is constrained to financial resources that can reasonably be expected to be available; and
- J. authorizing the CEO or his designee to negotiate and execute funding contracts or agreements as needed with Los Angeles County jurisdictions, agencies or other entities to provide funds programmed as authorized.

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

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APPROVED:

Najarian Motion to vote on the Interstate 710 North Tunnel Study separately from the totality of the 2011 Los Angeles County Transportation Improvement Program (TIP).

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

APPROVED:

Motion to allow the Interstate 710 North Tunnel Study to remain in the development of the 2011 Los Angeles County TIP.

RR	JH	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	

APPROVED:

Dubois Najarian Motion that recommends at least 50 percent of any additional federal transportation funds provided from future economic stimulus and/or jobs creation legislation be shared with the Cities and County of Los Angeles, not in conflict with the 2009 Long Range Transportation Plan approval; and since criteria for using these funds is currently unknown, further instructs staff to utilize the previous distribution formula created for American Recovery and Reinvestment Act I unless circumstances dictate otherwise, whereupon staff should draft new distribution guidelines and return to the Board for approval.

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

APPROVED:

Addendum to Item 9:

- A. receiving and filing the analysis of an alternative to Recommendation B of Item 9 that would instead direct (at least) 50 percent of federal transportation funds provided from future economic stimulus and/or job creation legislation to cities and the County of Los Angeles;
- B. accepting revisions to Attachment B of Item 9 to add Metrolink capital projects and the Interstate 405 Arbor Vitae Interchange project, as shown in the revised Attachment B to this report; and
- C. accepting technical revisions to the resolution in Attachment D of Item 9 as requested by Southern California Association of Governments staff.

RR	JH	PO	ZY	RK	AV	AN	DK	DD	MRT	MA	GM	JF	
N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	

10. APPROVED :

- B. Funding Agreement term sheet and Master Cooperative Agreement term sheet to allow the Los Angeles County Metropolitan Transportation Authority (LACMTA) to **finalize agreements with the Pasadena Metro Blue Line Construction Authority (MBLFECA) for construction of the Gold Line from its current terminus at Sierra Madre Villa in Pasadena to Azusa.**
- C. authorizing the Chief Executive Officer to concurrently execute Funding and Master Cooperative Agreements with the Construction Authority predicated upon the conditions set forth in the Board-approved Funding Agreement and Master Cooperative Agreement term sheets;

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

16. AUTHORIZED:

the Chief Executive Officer to finalize negotiations with the proposing banks and enter into reimbursement agreements for **direct-pay letters of credit**:

- A. for a commitment amount of \$150 million for a three-year term with Barclays Bank for a not-to-exceed (NTE) amount of \$4.75 million, including legal fees and other related expenses; and
- B. for a commitment amount of \$100 million for a two-year term with the Sumitomo Bank/Union Bank team for a NTE amount of \$2.3 million, including legal fees and other related expenses; or
- C. if unable to reach agreement with one or both of the recommended proposers, negotiate with each successively ranked proposer for agreements having two year terms and a combined NTE amount for all bank of \$7.05 million.

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

22. APPROVED :

- A. receiving and filing the **Los Angeles County Reduction Demonstration Low Income Commuter Assessment Report**.
- B. a finding that low income commuters, defined as Los Angeles County Residents with an annual household income of \$35,000 (2007) or less are likely to be impacted;
- C. authorizing the Chief Executive Officer to implement the following toll credit mitigation, in the form of a Low Income Commuter Discount, to address the impact:
 - 1. credit the account of qualifying low-income households \$25 for account set-up/establishment fees that can be applied to the transponder deposit or prepaid toll balance;

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2. waive the monthly \$3 non-user fee for qualifying low-income households;
3. limit eligibility to one per household address; and

D. the outlined Performance Measures.

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

36. AUTHORIZED:

rejecting staff recommendation to amend Policy COM-6, “Metro System Advertising,” to **permit the advertising of beer and wine products on buses and trains** in order to generate approximately \$1.5 million in additional advertising revenue over the next three years.

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

42. FAILED DUE TO LACK OF A SECOND **Molina Motion** that the Metro Board direct the Chief Executive Officer to negotiate agreements with the Exposition Metro Line Construction Authority Board and the Pasadena Metro Blue Line Construction Authority, which would **require the two authorities to submit all actions to the Metro Board for ratification and approval**. All items shall be submitted to the Metro Board at the first board meeting immediately following action by the two authority boards.

47. AUTHORIZED:

the Chief Executive Officer to award a firm, fixed-price Contract No.OP39615625 to **ACS Transportation Solutions**, Inc. in the amount of \$5,638,980 to upgrade the Advanced Transportation Management System Computer Aided Dispatch system, inclusive of a 10 percent contingency for Contract Modification Authority.

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

49. AUTHORIZED the Chief Executive Officer to:
- A. execute Contract Modification No. 6 to Clean Energy Corporation, Contract OP33900638, to **electrify CNG fueling facilities at Divisions 2, 9, & 15**, for the firm fixed price of \$6,624,208 (based on availability of funding approved February 2009 by Board action Item 44, American Recovery and Reinvestment Act programming action) increasing the not-to-exceed Total Contract Value from \$21,050,876 to \$27,675,084.
 - B. execute Contract Modification No. 3 to Clean Energy Corporation, Contract OP33900641B, to electrify the CNG fueling facility at Division 8, for the firm fixed price of \$1,748,146 (based on availability of funding approved February 2009 by Board action Item 44, American Recovery and Reinvestment Act programming action) increasing the not-to-exceed Total Contract Value from \$8,499,773 to \$10,247,919.
 - C. approve a Contract Modification Authority to negotiate and execute Change Orders with Clean Energy Corporation, for Contracts OP33900638 and OP33900641B, in an aggregate amount of \$1,255,853, equal to 15 percent of the total Contract Modifications for change orders associated with electrical Utility upgrades, relocations and unanticipated changes.

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

55. CARRIED OVER **Molina Motion** that the Metro Board direct the Chief Executive Officer to establish a policy ensuring that funds to cover **any cost overruns or judgments resulting from activities of any construction authority are allocated from sources allocated to projects located within the same sub-region.**

56. APPROVED:

resolution in support of **Local Taxpayer, Public Safety and Transportation Act of 2010**

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

58. ITEM ADDED TO AGENDA SUBSEQUENT TO POSTING AND APPROVED BY A 2/3 VOTE:

Award a two-year contract to The Bank of Nova Scotia (Scotiabank) to provide a \$169,000,000 Standby Bond Purchase Agreement (SBPA) for a cost estimated to be not to exceed \$3.75 million, including legal fees and other related expenses, or if unable to reach agreement with the best ranked proposer, negotiate with each successively ranked proposer.

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

57. **CLOSED SESSION**

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

1. Linda Clementi v. Los Angeles County Metropolitan Transportation Authority (LACMTA)
Los Angeles County Superior Court Case No. SC 101270

NO REPORT.

2. Eiman Shekarchi v. LACMTA
Los Angeles County Superior Court Case No. BC 402199

NO REPORT.

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3. Jane Serebrenikov v. LACMTA
Los Angeles County Superior Court Case No. BC 406098

NO REPORT.

4. Tutor-Saliba-Perini v. LACMTA
Los Angeles County Superior Court Case No. BC 123559

NO REPORT.

5. LACMTA v. Kiewit/Washington, a joint venture; et al.
Los Angeles County Superior Court Case No. BC 385585'

NO REPORT.

B. Conference with Labor Negotiators – GC 54957.6

1. Dana Coffey, Interim Deputy Executive Officer, Labor Relations
Employee Organizations – ATU, UTU.

NO REPORT.

2. James Falicki, Deputy Executive Officer, Labor Relations
Employee Organizations – TCU, Teamsters

NO REPORT.

C. Personnel Matters – G.C. 54957

Public Employee Appointment

- Consider appointment of Inspector General

NO REPORT.

ADJOURNED AT 2:05 P.M.