

# RECAP/ DRAFT MINUTES

Regular Board Meeting  
Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

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Called to Order at 10:06 a.m.

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Directors Present:

Ara J. Najarian, Chair  
Antonio Villaraigosa, 2<sup>nd</sup> Vice Chair  
Michael Antonovich  
Diane DuBois  
John Fasana  
José Huizar  
Richard Katz  
Gloria Molina  
Pam O'Connor  
Rita Robinson  
Mark Ridley-Thomas  
Zev Yaroslavsky

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Officers

Arthur T. Leahy, Chief Executive Officer  
Michele Jackson, Board Secretary  
Karen Gorman, Ethics Officer  
Karen Gorman, Acting Inspector General  
County Counsel, General Counsel



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

1. APPROVED **Consent Calendar** Items: 2, 5, 6, 7, 13, 14, 16, 19, 21, 22, 35, 41, 42, 46, 47 and 48.

Items 15 and 34 were removed from Consent Calendar.

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

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

3. RECEIVED Chair's Report.

- Director DuBois emphasized the importance of Board meeting decorum. The Board rules indicate that members of the public exhibiting inappropriate behavior will be warned. If the inappropriate behavior continues, the individual may be banned from providing public testimony for three months, at the discretion of the Chair.

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| P  | P  | A  | P  | P  | A  | P  | A  | P  | A   | P  | A  | P  |  |

4. RECEIVED Chief Executive Officer's Report.

- Presented Resolution to Mike Cannell, outgoing General Manager, Rail Operations.

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| P  | P  | A  | P  | P  | A  | P  | A  | P  | A   | P  | A  | P  |  |

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|------------------|------------------------|--------------------|---------------------|
| RR = R. Robinson | JH = J. Huizar         | 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   |                        |                    |                     |

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

5. APPROVED ON CONSENT CALENDAR, SUBJECT TO RESOLUTION OF PROTEST, authorizing the Chief Executive Officer to award a three-year firm fixed price Contract No. PS 4340-2301, **Archive Data Management System**, to University of Southern California for professional services for an amount not to exceed \$1,799,210, effective May 3, 2010.
6. APPROVED ON CONSENT CALENDAR:
- A. increase in the **Rider Relief Transportation Program**'s coupon value and adjustment of the household income eligibility based on HUD's Very Low Income limits;
  - B. the auditor's recommendation to increase the administrative fees to the **Immediate Needs Transportation Program** brokers from 10% to 13% beginning FY11; and
  - C. increase of \$79,500 for **Support for Homeless Re-Entry (SHORE)** program funding, pending final approval of the token value increase for Fiscal Year 2011.
7. APPROVED ON CONSENT CALENDAR:
- A. the status of the **City of Los Angeles Community DASH services and the cities of Glendale, Pasadena and Burbank fixed route services (to be collectively known as "Tri-Cities/LADOT") as "Tier 2 Operators"** to receive Proposition A Growth Over Inflation funds calculated by the same methodology as in the FAP provided that such approval does not negatively impact the existing Included and Eligible Operators. The approval is further subject to the terms and conditions set forth; and
  - B. authorizing the allocation of \$6 million a year for three years beginning FY 2011 to FY 2013 to the above operators to be included and approved through the annual Transit Funds Allocations with the provision that subsequent funding be subject to re-evaluation and approval of the LACMTA Board.

13. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to purchase **All Risk Property and Boiler and Machinery insurance policies** for all property, for an amount not to exceed \$2.2 million, for the 12-month period effective May 10, 2010 through May 9, 2011.
  
14. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to utilize Western States Contracting Alliance Master Price Agreement to purchase **computer and network equipment, software, peripherals, and related services** under California Public Contract Code §10298, Section 4, for a five-year period for a total expenditure not to exceed \$12,500,000, subject to funding availability effective May 1, 2010.
  
15. APPROVED UNDER RECONSIDERATION authorizing the Chief Executive Officer to award a ten-year incentive-based Contract No. PS05312530 to Anthem Blue Cross for a **workers' compensation Preferred Provider Organization (PPO) and Medical Provider Network (MPN) services** inclusive of three, two-year options, effective July 1, 2010.

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| Y  | C  | Y  | Y  | Y  | A  | Y  | A  | Y  | A   | Y  | Y  | Y  |  |

16. APPROVED ON CONSENT CALENDAR:
  - A. receiving and filing Attachment A in the Board report that documents the changes adopted by the Board at the March 25, 2010 meeting pursuant to an urgency finding regarding **Prop A and Prop C debt**;
  
  - B. approving corrections and related conforming changes to Recommendation A of Board report for Item 18 approved at the January 2010 Board meeting as noted in Attachment B of the Board report; and
  
  - C. approving corrections and related conforming changes to Recommendations A, B and C of Board report for Item 16 approved at the March 2010 Board meeting as noted in Attachment C of the Board report.

19. APPROVED ON CONSENT CALENDAR the schedule of **ExpressLanes Administrative Account Fees.**
21. APPROVED ON CONSENT CALENDAR:
- A. authorizing the Chief Executive Officer to:
1. enter into a Partnership Agreement with **the High Desert Corridor** Joint Powers Authority (HDCJPA), the Southern California Association of Governments, the San Bernardino Associated Governments, the State of California represented by the Department of Transportation (Caltrans) Districts 7 and 8, the Town of Apple Valley, the Cities of Adelanto, Victorville, Lancaster and Palmdale, the County of Los Angeles and the County of San Bernardino represented by their respective Departments of Public Works, for the implementation of the High Desert Corridor Project, contingent upon all parties agreeing to terms and conditions and the HDCJPA adding MTA as a member;
  2. accept \$800,000 in federal earmark dollars from the HDCJPA to assist with the project's development efforts; and
- B. approving up to \$153,600 in FY 2010, retroactive to April 1, 2010, for Caltrans to initiate the necessary Spring Surveys that are required as part of the environmental clearance.
22. APPROVED ON CONSENT CALENDAR amending the FY10 budget by \$2 million in Traffic Congestion Relief Program Reimbursement funds or other appropriate sources to advance the Draft Environmental Impact Statement/Report and Advanced Conceptual Engineering necessary to adopt the Locally Preferred Alternative in September 2010. This action will not increase the **Westside Subway Extension's** approved contract budget.

27. AUTHORIZED the Chief Executive Officer to award:

- A. a three-year, firm fixed price Contract No. PS434024, to The Divine Enterprise in Association with Fred MacFarlane Communications and Diversified Transportation Solutions to perform community outreach support services for the **Crenshaw/LAX Transit Corridor project for an amount not to exceed \$975,513, effective May 1, 2010;**
- B. two one-year options to renew, subject to Board approval and identification of funding; and
- C. contract modifications for up to \$97,550 to cover the cost of any unforeseen issues that may arise.

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33. APPROVED AS AMENDED:

- A. adopting a **support position on the “30/10 Initiative”** subject to these policies and conditions:
  - 1. a specific MTA Board action is required to re-program highway capital project funding for use on transit capital projects as result of 30/10, unless such re-programming does not result in a net decrease to the highway capital project funding;
  - 2. Likewise, a specific MTA Board action is required to re-program transit capital project funding for use on highway capital projects as result of 30/10, unless such re-programming does not result in a net decrease to the transit capital project funding;
  - 3. MTA shall complete projects accelerated through 30/10 in the same sequence as the adopted 2009 Long Range Transportation Plan (LRTP);
  - 4. MTA shall support any new or modified federal program that provides financial assistance that would enable MTA to accelerate its Measure R/LRTP transit projects;

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5. MTA shall support any new or modified federal program that provides financial assistance that would enable MTA to accelerate its Measure R/LRTP highway projects;
  6. adoption of an MTA support position is for securing a pledge of federal financial assistance only; adoption of an accelerated project delivery schedule shall be subject to future MTA Board approval;
  7. nothing in the contemplated federal assistance would compel MTA to actually accelerate its transit construction program;
  8. MTA shall only utilize pledged federal assistance if the construction and financing costs are less than the available funds (adjusted for inflation) planned for the 42-projects in the adopted 2009 LRTP, unless those costs are being adjusted by the minimum necessary to accomplish an operable segment for the corridor; and
  9. MTA public-private partnership program and 30/10 shall be closely coordinated to maximize leverage afforded by both.
- B. adding the “30/10 Initiative” to the MTA federal legislative platform;
- C. directing the CEO to develop the supporting analyses and materials related to travel demand benefits, economic benefits, operating and capital costs, schedule, federal mandates and organizational readiness necessary to secure federal assistance to finance the “30/10 Initiative”; and
- D. approving DUBOIS – O’CONNOR MOTION that the MTA Board of Directors present a request to our Los Angeles County Congressional delegation to work with President Obama, Congress, and federal agencies to develop a financing/funding mechanism that will allow Los Angeles County to accelerate its Measure R transit and highway projects to make our region more sustainable and livable, create jobs and stimulate our economy, and pursue our mobility goals.

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**Ridley-Thomas and Antonovich Amendment** that the Board direct the CEO to ensure that the 30/10 Initiative supports:

1. Public-Private Partnership opportunities in project planning, design, delivery and operations.
2. The priorities unanimously adopted by the MTA Board in the October 2009 Long Range Transportation Plan and Measure R.

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34. APPROVED the **upgrade of Executive Director, Countywide Planning position** from pay grade BB (\$142,641 - \$213,962) to pay grade CC (\$190,621 - \$278,793) and AUTHORIZED the CEO to negotiate a salary within the pay range.

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| Y  | Y  | Y  | Y  | Y  | Y  | Y  | A  | A  | Y   | N  | N  | N  |  |

35. APPROVED ON CONSENT CALENDAR the **salary for the Interim Chief Labor and Employee Relations Officer**, pay grade AA (\$134,378 - \$201,567).

41. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to increase funds for Contract No. EN075 with **ICF International for Environmental Compliance Services for all transit corridor and capital projects**, for an amount not to exceed \$4,100,000, increasing the total contract value from \$2,275,000 to \$6,300,000.



42. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate and execute Contract Modification No. 68 to Contract No. OP-02-4610-10 with Cubic Transportation Systems, Inc. to **purchase and install the Universal Fare System on the Metro Orange Line Extension** for an amount not to exceed \$3,952,540, increasing the total contract value from \$119,500,912 to \$123,453,452.
46. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year firm fixed unit rate Contract No. OP33442482 to Marina Landscape, Inc., the lowest responsive, responsible bidder, to provide **landscape and irrigation maintenance service for MTA transit facilities** for an amount not to exceed \$3,308,189, inclusive of two option periods, effective May 1, 2010.
47. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute Modification No. 7 to Contract No. OP31501623 with Southland Transit, Inc. to extend the period of contract performance through December 4, 2010 to **provide fixed-route contract bus services** for an additional amount not to exceed \$3,500,000 for operating and fuel costs, increasing the total contract value from \$41,424,115 to \$44,924,115.
48. APPROVED ON CONSENT CALENDAR **service changes to Tier 1 bus lines** scheduled to be implemented effective June 27, 2010.
49. APPROVED VILLARAIGOSA – RIDLEY-THOMAS – ROBINSON – HUIZAR SUBSTITUTE MOTION that the MTA Board direct the CEO and the MTA Board Secretary to schedule a **Special MTA Board Meeting within the next 60 days to receive public comments and for MTA to update the public on the implementation of the scheduled July 1, 2010 fare increase.** Further move that the MTA CEO make a presentation at the Special Board Meeting that includes information related to fare changes, fare relief from Measure R, the new fare structure effective July 1, 2010, and outreach efforts to ensure that transit users understand the upcoming changes.

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| Y  | Y  | A  | Y  | Y  | Y  | Y  | A  | Y  | Y   | Y  | Y  | Y  |  |

54. ~~APPROVE 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.**~~

APPROVED YAROSLAVSKY SUBSTITUTE MOTION that the MTA Board direct the Chief Executive Officer to report back within 60 days **on cost containment measures** on projects going forward.

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| Y  | Y  | Y  | Y  | Y  | Y  | Y  | A  | Y  | A   | Y  | Y  | Y  |  |

55. CARRIED OVER:  
FASANA AND MOLINA MOTION:

Matters to be considered by the Board of Directors usually are first considered in a Committee and then forwarded to the full Board of Directors for their consideration. This item, **Route 710 North Extension Project Next Steps**, was removed from the Measure R Project Delivery Committee Meeting Agenda at the discretion of the Chairperson of the Board. I am now placing this item on the agenda of the regular Board of Director's meeting for our consideration.

I therefore move that the Board of Directors approve staff's recommendations to:

- A. receive and file the Final Geotechnical Summary Report for the Route 710 Tunnel Technical Study;
- B. direct the Chief Executive Officer to utilize the Transportation Planning Bench and/or advertise and procure consultant services to prepare a robust scoping document, Alternative Analysis and the appropriate environmental documents to determine the full range of new transportation options to (1) improve mobility, safety and congestion, (2) address community concerns and (3) augment planning efforts;
- C. authorize the CEO to execute a Funding Agreement with Caltrans and others should additional funds become available; and
- D. remove from further consideration Zone 1, Zone 2, Zone 4 and Zone 5 from the five-zone study area.

56. ADOPTED the following **positions on State Legislation:**

- A. **SB 1341 (Price)** – Which would authorize Metro to expand the existing Small Business Enterprise (SBE) Program to non-federally funded competitively bid contracts. **SUPPORT – SPONSOR**
- B. **AB 1224 (Eng)** – Which would revise the implementation dates for MTA’s ExpressLanes project. **SUPPORT - SPONSOR**

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| Y  | A  | A  | Y  | A  | A  | Y  | A  | Y  | Y   | Y  | Y  | Y  |  |

57. APPROVED the following nominee for membership on the **San Gabriel Valley Governance Council:**

Steven Ly – Elected Official  
 New Appointment to fill position vacated by Kathy Salazar  
 Appointed by: Montebello/Monterey Park/Rosemead City Cluster  
 Term ending: June 30, 2012

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| Y  | Y  | Y  | Y  | Y  | Y  | Y  | A  | Y  | Y   | Y  | Y  | Y  |  |

58. **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

APPROVED settlement in the amount of \$500,000.

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| Y  | Y  | A  | Y  | Y  | Y  | Y  | A  | Y  | Y   | Y  | Y  | Y  |  |

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

APPROVED settlement in the amount of \$250,000.

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

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

APPROVED settlement in the amount of \$225,000.

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

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

NO REPORT.

5. Gustavo Sanchez v. LACMTA, Case No. BC 381460

APPROVED settlement in the amount of \$875,000.

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

6. LACMTA v. Parsons-Dillingham, et al., Case No. 150298  
consolidated with Case No. BC 179027

NO REPORT.

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

Significant Exposure to Litigation (2 cases)

NO REPORT.

C. 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.

D. Personnel Matters – G.C. 54957

Public Employee Appointment

- Consider appointment of Inspector General

NO REPORT.

E. 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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