

DRAFT MINUTES/ RECAP OF PROCEEDINGS

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:40 A.M.

Directors Present

Ara J. Najarian, Chair
Don Knabe, 1st 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, 10, 11, 12, 26, 29, 30, 31, 34, 44, and 46.

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

CONSENT ITEMS

2. APPROVED ON CONSENT CALENDAR Minutes of A) Regular Board Meeting held **April 22, 2010**, B) Special Board Meeting held **May 8, 2010**, and C) Special Board Meeting held **May 19, 2010**.

5. APPROVED ON CONSENT CALENDAR O'Connor Motion that **cost savings from sustainability projects be reinvested into sustainability and energy savings projects**.

10. APPROVED ON CONSENT CALENDAR:
 - A. \$14.7 million in Congestion Mitigation and Air Quality funds for the **Interstate 5/State Route 14 High Occupancy Vehicle (HOV) Direct Connector Construction project** to resolve soil contamination problems and settle delay claims due to conflicts between the HOV Direct Connector pile shaft and the Metrolink tunnel, increasing the total programmed budget from \$161.1 million to \$175.8 million;

 - B. authorizing the Chief Executive Officer to execute an amendment to the existing Funding Agreement with the California Department of Transportation (Caltrans) for the additional funds.

11. APPROVED ON CONSENT CALENDAR the **Strategic Plan** projects as a supplement to the 2009 Long Range Transportation Plan.

12. APPROVED ON CONSENT CALENDAR:
 - A. programming of up to \$19.7 million from fiscal year (FY) 2010 federal Department of Homeland Security Transit Security Grant Program (TSGP) and State Proposition 1B Transit Security Grant Program (Prop 1B Transit Security) funds that are available to Metro for eligible transit projects;

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- B. reprogramming of \$12.8 million in FY 2008 federal Department of Homeland Security TSGP and FY 2009 State Prop 1B Transit Security grants to other **transit security projects**, due to changing priorities; and
 - C. adopting the required FY 2010 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. **ADOPTED ON CONSENT CALENDAR** the following positions on **State Legislation**:
- A) SB 1268 (Simitian)** – Which would impose restrictions on the data collected by transportation agencies that operate toll facilities. **WORK WITH AUTHOR**
 - B) SB 1299 (Lowenthal)** – Which would require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to assess various issues associated with implementing a Vehicle Miles Traveled (VMT) fee. **WORK WITH AUTHOR**
 - C) SB 1348 (Steinberg)** – Which would codify a procedure for the California Transportation Commission (CTC) to adopt legislatively mandated guidelines. **WORK WITH AUTHOR**
 - D) AB 2324 (Pérez)** – Which would create new misdemeanors and recasts fines and punishments for crimes committed upon public transit vehicle stations. **SUPPORT – WORK WITH AUTHOR**
 - E) AB 2620 (Eng)** – Which would dedicate an unspecified percentage of net toll revenues from future toll facilities on the state highway system for maintenance, reservation, and rehabilitation of the state system. **OPPOSE**
 - F) AB 2703 (Pérez)** – Which would authorize loans of future federal economic stimulus funds to advance projects scheduled to be funded from Proposition 1B infrastructure bonds. **SUPPORT – WORK WITH AUTHOR**
29. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer to establish a life-of-project budget of \$7 million for Phase 1 construction of **four-quadrant crossing gates at an initial five intersections of the Metro Gold Line Eastside Extension**.

30. AUTHORIZED ON CONSENT CALENDAR with a 2/3 VOTE the use of design-build project delivery method, pursuant to Public Utilities Code Section 130242(b) for **installation of a Wayside Energy Storage Substation** at the Metro Red Line Westlake/MacArthur Station under Project CP No. 205090.
31. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to negotiate with the Exposition Metro Line Construction Authority for the **Exposition Light Rail Project-Phase 1 Additional Safety Enhancement Program**.
34. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute the annual agreement, MOU.P000CHP15 with the California Highway Patrol to provide **field officer and dispatch support to the Metro Freeway and Big Rig Service Patrol programs during fiscal year 2011** in an amount not to exceed \$910,000.
44. APPROVED ON CONSENT CALENDAR Molina Fasana Antonovich Motion that the Metro Board directs the Chief Executive Officer to:
1. have LACMTA staff participate with the City of El Monte in meetings with State representatives to **extend the timeline for spending California Department of Housing and Community Development (HCD) grant funds** allocated to to the El Monte Gateway Transit Oriented Development Project Housing Element.
 2. send a letter of support for the City of El Monte's request for a timeline extension to the HCD.
46. APPROVED ON CONSENT CALENDAR the following **nominees for membership on the following Governance Councils:**
- A. San Fernando Valley Governance Council

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Donald Weissman – City of Los Angeles Appointee
New Appointment to fill position vacated by Coby King
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

B. Westside Central Governance Council

Jeffrey M. Jacobberger – City of Los Angeles Appointee
New Appointment to fill vacant position
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

Catherine Bator – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2013

Peter Capone-Newton – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

Jerard Wright – Transit User
Reappointment
Appointed by: Antonio Villaraigosa, Mayor, City of Los Angeles
Term ending: June 30, 2012

NON-CONSENT

3. RECEIVED Chair's Report.

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

4. RECEIVED Chief Executive Officer's Report.

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

16. APPROVED UNDER RECONSIDERATION:

- A. concurring with City of Los Angeles recommendations for the **East San Fernando Valley (SFV) North/South Transit Corridor Bus Speed Improvement Project** that define the East SFV North/South Rapidway short, medium and long-term project components.
- B. authorizing the Chief Executive Officer (CEO) to:
 - 1. have Metro be the lead agency for the environmental clearance and public outreach, with the City of Los Angeles Department of Transportation (LADOT) providing close support for the East SFV North/South Rapidways Project (Reseda, Sepulveda, Van Nuys and Lankershim/San Fernando corridors);
 - 2. executing appropriate agreements with LADOT for reimbursement costs for staff, consultant services, and miscellaneous items affiliated with the project’s environmental clearance and public outreach efforts;
- C. directing the CEO to continue working with LADOT to refine the scope, schedule, and budget to conduct the Alternatives Analysis for expanded north/south rail service connecting the Metro Red Line North Hollywood Station and the Sylmar Metrolink Station.

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

17. APPROVED:

- A. receiving and filing the **Final Geotechnical Summary Report for the State Route 710 Tunnel Technical Study**;
- B. directing the Chief Executive Officer (CEO) 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;

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- C. authorizing the CEO to execute a Funding Agreement with Caltrans and others should additional funds become available.

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

FAILED Najarian Amending Motion that the CEO direct LACMTA staff to work with Caltrans to begin a dialogue with the House Transportation and Infrastructure Committee members to transfer funds to begin work on an expanded scope of work; and

that Paragraph B of Item 17 be modified to read as follows:

- B. Directing the Chief Executive Officer (CEO) to utilize the Transportation Planning Bench and/or advertise and procure consultant services to amend the scope to follow the more robust FTA, rather than FHWA, process to include a full range of new, route-neutral transportation options, (which eventually will be included in a cost/benefit analysis), alternative analyses, and all necessary environmental studies to allow policy makers, stakeholders and the public to make well-informed decisions about options to 1) improve mobility, safety and congestion, 2) address community concerns and 3) augment planning efforts; and

that **LACMTA staff return to the Board in July 2010 and present a new scoping document based on the FTA scoping process that will produce a comprehensive State Route 710 corridor study.**

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

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CARRIED OVER **Katz Motion** that the LACMTA Board direct the Chief Executive Officer to conduct **parallel analysis concurrent with Environmental Impact Report (EIR) scoping** as follows:

- A. analysis shall be neutral, objective and fully analyze all alternatives that address the purpose and objectives of the State Route 710 North Gap Closure;
- B. community input shall be sought throughout the entire process;
- C. a cost-benefit analysis shall be performed and findings shall be presented at the same time the LACMTA Board considers the Draft EIR.

CARRIED OVER **Huizar Motion** that the LACMTA Board direct the Chief Executive Officer to eliminate the surface route from the environmental review process that the Board is now committing to undertake; and further moved

that if the environmental process moves forward, that Metro consider the negative impacts a portal constructed north of Valley Boulevard will have on the residential neighborhoods in the community of El Sereno.

CARRIED OVER **Antonovich Motion** that the Metro Board:

1. approve the three staff recommendations for Item 17;
2. ensure that all five zones studied in the geotechnical tunnel study are included at the start of the scoping process;
3. ensure that this environmental process follows National Environmental Protection Act/California Environmental Quality Act guidelines;
4. institute a State Route 710 North Advisory Committee (Committee) with the following stipulations:

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- a. the Committee shall be composed of the member jurisdictions and agencies that participated in the State Route 710 Tunnel Steering Committee, plus the Crescenta Valley and Altadena Town Councils;
 - b. the Committee will meet no less than once every three months, and as often as deemed necessary by the Chief Executive Officer (CEO);
 - c. the purpose of these Committee meetings will be for stake holders to receive timely updates and presentations from – and to provide input to – Metro staff;
 - d. the CEO shall retain authority over all other elements of this Committee not stipulated in subsections (a) through (c);
5. direct the CEO to present a project update presentation before the Measure R Project Delivery Committee no less than once every three months, or as often as deemed necessary by the CEO; and
6. direct the CEO to develop a comprehensive outreach program to federal, state and local officials regarding the process of this project study and report back to the Board within 60 days with a presentation of this program and its implementation.
27. FAILED authorizing the Chief Executive Officer to award a one-year, nine month firm-fixed price contract (No. PS10713008) effective June 1, 2010, to Patton Boggs LLP, for **federal legislative advocacy services** in an amount not to exceed \$787,500, inclusive of a one-year option.

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

FAILED Antonovich Motion to award one-year contract at same amount as determined for Patton Boggs LLP to Manatt-Phelps for lobbying services.

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

43. ADOPTED the following position on **Federal Legislation**:

S. 3189 (Brown) – would allow for additional transportation assistance grants - **SUPPORT**

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

45. APPROVED Villaraigosa Robinson Motion **as amended** by Director Antonovich that the MTA Board direct the Chief Executive Officer (CEO) to:

- A. Meet with the municipal operators and Metrolink to develop a **weekly and daily EZ pass usable on all transit services operated within Los Angeles County.**
- B. Develop an enhanced distribution system so that passes are more readily available to the public.
- C. Create a customer-oriented website and smart phone/personal digital assistant applications that enable patrons to receive rider information, schedule trips, etc. for all transit services operated within Los Angeles County.
- D. Meet with the municipal operators and Metrolink to identify service duplication, recommend to the MTA Board service restructuring that maintains service in the most cost effective manner, and identify other service restructuring that will make the transit system more convenient.

Antonovich Amending Motion **as amended** by Director Robinson that the MTA Board direct the CEO to return to the Board during the September 2010 Board cycle with a presentation and recommendations on the potential for distance/~~time~~-based fares for the Metro bus and rail system, including but not limited to the following elements:

- Analysis of distance/~~time~~-based fare policies adopted by other major transit properties in the United States, and their applicability to our Metro bus and rail system

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- Analysis of current Metro fare media and fare collection technology to assess potential for implementing a distance/time-based fare policy
- Assessment of Metro organizational structure, personnel and other strategic changes that would be necessary to implement a distance/time-based fare policy in an effective manner
- Literature review of academic journals since 2000 that have explored the topic of public transit distance/time-based fares
- At least three models for how a distance/time-based fare policy on the Metro bus and rail system would be implemented, including the spectrum of pros and cons associated with each model
- A timeline for implementing a distance/time-based fare policy for the Metro bus and rail system, both overall and in pieces
- Analysis of coordination necessary with other transit agencies and public agencies to implement a distance/time-based fare policy

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

47. ADOPTED a resolution that authorizes the **use of a bond tender program in the refunding of all or a portion of the General Revenue 2004-A bonds**, approves the form of the tender and disclosure documents on file with the Board Secretary, and reaffirms the June 2008 resolution that provides authority for the refunding of the General Revenue 2004-A bonds.

(REQUIRED A SEPARATE, SIMPLE MAJORITY BOARD VOTE)

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

48. ADOPTED a resolution that **approves the form of the reimbursement agreements** on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.

(REQUIRED A SEPARATE, SIMPLE MAJORITY BOARD VOTE)

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

49. APPROVED the following **nominees for membership on the Westside Central Governance Council:**

Art Ida – City of Culver City Representative
 Reappointment
 Appointed by: Westside Cities Council of Governments
 Term ending: June 30, 2013

Terri Slimmer – City of West Hollywood Representative
 Reappointment
 Appointed by: Westside Cities Council of Governments
 Term ending: June 30, 2013

Joseph Sticher – City of Santa Monica Representative
 Reappointment
 Appointed by: Westside Cities Council of Governments
 Term ending: June 30, 2013

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

50. **CLOSED SESSION:**

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

1. Byung C. Yi and Kiu H. Yi v. LACMTA, Case No. BC 408326

APPROVED settlement in the amount of \$2.25 million.

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

2. Arthur Henry Jost v. LACMTA, Case No. BC 408930

APPROVED settlement in the amount of \$712,500.

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

3. Preston N. Jones v. LACMTA, Case No. BC 407705

APPROVED settlement in the amount of \$2.7 million.

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

4. Robin Ramirez v. LACMTA, Case No. BC 414875

APPROVED settlement in the amount of \$2.5 million.

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

5. Gina Capetillo v. LACMTA, Case No. PC 044727

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

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

6. Tutor-Saliba-Perini v. LACMTA, Case No .BC 123559

NO REPORT

7. LACMTA v. Parsons-Dillingham, Case No. BC 150298

NO REPORT

8. City of South Pasadena, et al. v. LACMTA, Case No. B221118

NO REPORT

9. Expo Construction Authority: CPUC Consolidated Proceeding No. A06-12-005 including No. A07-05-0013 (Farmdale Avenue)

NO REPORT

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

Significant Exposure to Litigation (1 case)

NO REPORT