

# 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: 9:58 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



RECOGNIZED outgoing Board Chair Ara Najarian. Board members and CEO Art Leahy commented on Chair Najarian’s accomplishments during the past year and a slide show was presented.

1. APPROVED **Consent Calendar** Items: 2, 5, 7, 28, 34, 35, 36, 38, and 41. Item 6 was removed from Consent Calendar.

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

2. APPROVED ON CONSENT CALENDAR **Minutes of Regular Board Meeting held May 27, 2010.**

3. ELECTED:

- Director Michael Antonovich, 2<sup>nd</sup> Vice-Chair, FY11

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

5. APPROVED ON CONSENT CALENDAR:

A. the award recommendations totaling \$14,738,986 in **federal Job Access and Reverse Commute (JARC)** and \$3,161,533 in **federal New Freedom funds**;

B. amending the fiscal year (FY) 2011 budget to add the necessary revenues and expenses for the projects recommended for funding awards per recommendation A, once the Federal Transit Administration (FTA) awards JARC and NF grant funds;

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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**

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- C. authorizing the Chief Executive Officer or his designee to negotiate and execute grant pass-through agreements with agencies approved for funding award recommendations per recommendation A once the FTA awards JARC and NF grant funds;
- D. certifying that there has been a fair and equitable distribution of federal JARC and NF funds resulting from a competitive selection process and that projects recommended for funding awards per recommendation A were derived from our region's Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan) that the Board of Directors approved in January 2008; and
- E. minor scope modifications to previously awarded JARC and NF projects.

6. APPROVED AS AMENDED:

- A. the **Southern California Regional Rail Authority (SCRRA) FY 2010-11 Budget** and the Los Angeles County Metropolitan Transportation Authority (MTA)'s contribution totaling \$66,540,914, consisting of \$38,796,400 for Operations; \$8,000,000 for Rehabilitation and Renovation; \$17,400,000 for New Capital/Positive Train Control; \$2,093,004 for Right of Way (ROW) Security; \$251,510 for Support Services; and, approving the programming of funding to the SCRRA as follows:

- 1. \$42,345,430 in new Proposition C 10% funding for Operations, Rehabilitation and Renovation, and ROW Security;
- 2. \$17,400,000 in new Measure R 3% funding to the Positive Train Control Project;
- 3. \$6,795,484 in Proposition C 10% funding reprogrammed from prior year SCRRA operating and capital surpluses, held by SCRRA on behalf of MTA;

- B. the following actions relating to the Rehabilitation and Renovation Program:

- 1. reduce FY 2006-07 Rehabilitation and Renovation commitments by \$838,147. Extend the lapsing date so that all funds, subject to lapse June 30, 2009, will lapse June 30, 2012;

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2. reduce FY 2007-08 Rehabilitation and Renovation commitments by \$933,183. Extend the lapsing date so that all funds, subject to lapse June 30, 2010, will lapse June 30, 2012;
  3. reduce FY 2008-09 Rehabilitation and Renovation commitments by \$214,047. Extend the lapsing date so that all funds, subject to lapse June 30, 2011, will lapse June 30, 2012;
- C. the following actions relating to the Lang/Ravenna Siding and Vincent 2<sup>nd</sup> Platform Projects:
1. reprogram \$1,900,000 in Proposition C 10% funding from the Vincent 2<sup>nd</sup> Platform Project to the Lang/Ravenna Siding Project;
  2. reprogram \$450,000 in Proposition C 10% funding, to be budgeted in FY 2011-12, to complete the Lang/Ravenna Siding project;
- D. approving for FY 2010-11 only, a revised transfer payment rate to MTA of \$74.2 cents per boarding;
- E. the programming of \$251,510 to SCRRA for support services for various High Speed Rail alignment alternatives at LA Union Station; and
- F. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements between MTA and the SCRRA for funding approved.

6.1 ANTONOVICH AND NAJARIAN AMENDING MOTION:

The Metrolink CEO has determined that providing service on the Antelope Valley Line on ~~July 4<sup>th</sup>~~ **July 5<sup>th</sup>** will be beneficial for the residents of North Los Angeles County. This service is estimated to cost MTA a one-time amount of \$16,000.

WE THEREFORE MOVE the MTA Board direct the CEO to amend the recommended budget for MTA's share of Metrolink funding for FY11 by an additional \$16,000 to **allow Metrolink to run July 5<sup>th</sup> ~~July 4<sup>th</sup>~~ service on the Antelope Valley Line.**

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

7. APPROVED ON CONSENT CALENDAR:

- A. \$1.341 billion in **FY 2011 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators and Metro operations. These allocations comply with federal and state regulations and MTA Board policies and guidelines.
1. \$530.5 million in Transportation Development Act (TDA) Article 4 including TDA interest, State Transit Assistance (STA) and Proposition A 95% of 40% Discretionary as determined according to the Formula Allocation Procedure (FAP).
  2. \$31.3 million Proposition C 40% Discretionary fund allocations for Commerce as compensation for having zero passenger revenue, Foothill Mitigation Program, Transit Service Expansion, Discretionary Base Restructuring and Bus Service Improvement Program Overcrowding Relief.
  3. \$6 million Tier 2 Operators funding program approved in April, 2010.
  4. \$19.6 million in Municipal Operators Service Improvement Program.
  5. \$22.6 million in local Proposition C 5% Security fund allocations.
  6. \$116.2 million in Measure R 20% Bus Operations fund allocations.
  7. \$8.4 million Proposition 1B PTMISEA Account Bridge Funding.
  8. \$1.5 million in Proposition 1B Security Account Bridge Funding.
  9. \$13.2 million in local Proposition A Incentive Program fund allocations. These allocations include \$3.6 million from Proposition A Incentive fund reserve to mitigate FY2011 revenue shortfall.

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10. \$14.6 million in TDA Article 8 fund allocations.
  11. \$140 million in Proposition A Local Return, \$116.2 million in Proposition C Local Return, \$87.1 million in Measure R Local Return and \$4.9 million in TDA Article 3 fund allocations.
  12. \$229.6 million in FY 2011 estimated Federal Section 5307 allocations.
- B. authorizing the Chief Executive Officer to adjust FY 2011 Section 5307 allocations to include adjustments based on FY 2010 actual revenues received from SCAG;
  - C. \$16.9 million fund exchange of Santa Monica's Big Blue Bus (BBB) Federal Section 5307 allocations with Metro's TDA Article 4 revenues. This represents BBB's \$8.2 million FY 2010 allocation which will be disbursed in FY 2011 and \$8.7 million FY 2011 allocation which will be disbursed in FY 2012;
  - D. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
  - E. upon approval, authorizing the Chief Executive Officer to negotiate and execute all necessary agreements to implement the above funding programs.
19. APPROVED:
- A. a Life of Project (LOP) for:
    1. new Capital Project 212007 – **Automated License Plate Recognition Network** Phase I (Phase I) in the amount of \$2,068,907. Transit Security Grant Program (DHS-08-GAD-07501802) will fund \$1.67 million in equipment costs. Labor costs will be funded by TDA Article 4 in the amount of \$401,000; and
    2. new Capital Project 212009 – Automated License Plate Recognition Network (Phase II) in the amount of \$1,601,907. Transit Security Grant Program (TSG-2009-RA-T9-K004) will fund \$1.2 million in equipment costs. Labor costs will be funded by TDA Article 4 in the amount of \$402,000;
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- B. amending FY11 Budget for Cost Center 2610, System Security and Law Enforcement, in the amount of \$1,797,000 for Automated License Plate Recognition Network Phase I; and
- C. amending FY11 Budget for Cost Center 2610, System Security and Law Enforcement, in the amount of \$1,168,000 for Automated License Plate Recognition Network Phase II.

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

20. APPROVED:

- A. reprogramming of \$726,577 of project savings from Capital Project (CP) #204085 – MTA Subway Chemical Detection System Project to CP #204084 – **Tunnel and Bridge Protection Project Phase I**;
- B. an increase to the Life of Project for Capital Project 204084 – Tunnel and Bridge Protection Project Phase I from \$1,840,000 to \$2,566,777; and
- C. amending the FY11 budget to add \$726,577 of expenses and revenues to CP #204084.

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

22. APPROVED ANTONOVICH SUBSTITUTE MOTION, AS AMENDED BY KATZ, to authorize the Chief Executive Officer to award a firm-fixed price contract to Manatt, Phelps & Phillips, LLP, for **federal legislative advocacy services**.

**Katz Amendment** that the length of the contract be six months (if legally permissible), or nine months with a one-year option.

~~AUTHORIZE 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	
Y	C	Y	Y	Y	A	Y	A	Y	A	Y	Y	Y	

23. APPROVED O’CONNOR SUBSTITUTE MOTION to alert the planning bench to the possibility of proceeding with a comprehensive feasibility study, but do not award a contract until staff presents a report in July.

WITHDRAWN: NAJARIAN AND ANTONOVICH MOTION that the CEO, utilizing the planning bench, conduct a comprehensive feasibility study on the formation of an internal transit adjudication bureau, including recommendations and a financial analysis on the costs of its establishment; and further move that the CEO report back to the board in six months through the Executive Management and Audit Committee on recommendations to move forward with a transit adjudication bureau.

~~RECEIVE AND FILE report on the status of implementation of the **MTA Transit Adjudication Bureau** and **APPROVE Customer Code of Conduct**.~~

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

24. ADOPTED the **FY11 Proposed Audit Plan**.

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



25. RECEIVED AND FILED the **performance audit of non-competitive procurements and single bids/proposals.**

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

28. APPROVED ON CONSENT CALENDAR amending the FY11 Budget and increasing the Life of Project Budget by \$638,000 for CP204006 – **Metro Red Line Entrance Canopy Project.**

34. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award firm fixed price contract under IFB No. OP39602529 with Electrical Cable Specialists, the lowest responsive and responsible bidder, **for Metro Blue Line DC feeder cable**, for an amount not to exceed \$1,400,000, inclusive of sales tax.

35. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:

- A. award a five-year firm fixed price Contract No. OP35902470 to MV Transportation for **Contract Bus Service, including Compressed Natural Gas (CNG) fuel**, for an amount not to exceed \$74,637,395 and provide for reimbursement of fuel costs for the five-year period for an amount not to exceed \$12,138,430, for a total contract amount not to exceed \$86,775,825, effective October 31, 2010; and
- B. execute future contract modifications to Contract No. OP35902470 in an amount up to \$1,000,000 per contract modification.

36. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award Contract No. OP33432475 to Clean Energy, Inc. **for Divisions 10 and 18 fueling facility electrification upgrades**, including a ten-year operation and maintenance agreement, in the amount of \$24,007,934, with capital funds made available through the American Recovery and Reinvestment Act of 2009 (ARRA).

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

37. WITHDRAWN:  
OPERATIONS COMMITTEE RECOMMENDED (4-0) AS AMENDED:
- A. authorizing staff to issue a solicitation with evaluation criteria that encourages local job creation during light rail vehicle production, subject to ensuring eligibility for federal funding, **for new Light Rail Vehicles (LRVs)** to meet the vehicle requirements for current projects and for the transit projects identified in the 30/10 Initiative; and
  - B. approving the funding plan totaling \$335,410,000 for the first 78 LRVs.

**Ridley-Thomas Amendment** that monthly status updates be provided on how an aggressive Disadvantaged Business Enterprise program is being applied to the LRV procurement.

38. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a three-year firm fixed-price unit rate contract under Bid No. 10-0027 to Knorr Brake Corporation, the single lowest responsive and responsible bidder, for the **overhaul of Metro Blue Line light rail vehicle friction brake system equipment** for an amount not to exceed \$3,784,138.

41. APPROVED ON CONSENT CALENDAR:

- A. up to \$308,000 in local funds for the City of Los Angeles Department of Transportation to fund two staff positions to provide maintenance and on-going support for the **Metro Rapid Transit Priority System (TPS)** within the City of Los Angeles, and central hosting of TPS for the Cities of Beverly Hills and West Hollywood for Fiscal Year (FY) 2011; and
- B. amending the FY11 budget to add revenues and expenses of \$308,000.

42. FORWARDED TO AUGUST BOARD MEETING:

CONSTRUCTION COMMITTEE RECOMMENDED (4-0) approving AS AMENDED a unified process and policy for the **evaluation of project cost increases** against the transit program trade-offs necessary to secure sufficient resources for all 12 transit projects in the 30/10 Initiative, including a requirement for the prompt development and consideration of lower cost project alternatives that address the cost control policy actions of the MTA Board of Directors to date.

**Molina Amendment** that the Board direct the CEO to meet with County and City staff to review how the Project Advisory Committees (PACs) functioned for both entities, and report back within 60 days with a plan to implement PACs for all 12 Measure R transit projects.

**O’Connor-Molina Amendment:**

The set of Policy measures before the Board as they apply to a 30/10 Initiative, contains the prescription in (Attachment A) Section 2: “MTA shall complete projects accelerated through 30/10 Initiative in the same sequence as the adopted 2009 Long Range transportation Plan (LRTP) (from 30/10 Initiative Position statement).” Move that the Board adopt the Amended Policy within the parameters described in the two following paragraphs:

Section 2 of this policy should be deleted predicated on the conditions that (a) the entire 30/10 Initiative (rather than piecemeal) is brought to fruition, and (b) the Measure R Funding Availability Amendment is approved by the legislature.

Based on the conditions described above, Section 2 should then be amended to provide that 30/10 Measure R Projects should be accelerated on a ready-to-go basis.

43. AUTHORIZED the Chief Executive Officer to execute Contract Modification Number 15 to Contract OP33900626 with Trillium USA, LLC, for **operation and maintenance of compressed natural gas fueling facilities at Divisions 1, 5 and 7**, in the amount of \$650,000, increasing total contract value from \$43,811,408 to \$44,461,408.

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

44. ADOPTED AS REVISED the following **positions on State Legislation:**

- A. **SB 1245 (Simitian)** – Which would provide that a vehicle that meets the applicable occupancy level for a High-Occupancy Vehicle (HOV) for use of an HOV lane, including a High-Occupancy Toll (HOT) lane, shall not be charged a toll. **OPPOSE WORK WITH AUTHOR**
- B. **AB 1955 (De La Torre)** – Which would add three additional circumstances that would qualify as incompatible public offices and exempts supervisors or council members who have declared themselves as the community redevelopment agency. **OPPOSE UNLESS AMENDED**
- C. **TBD (TBD)** – Which would authorize a local fee for public transit operations. **WORK WITH AUTHOR**

CARRIED OVER:

- D. **TBD (TBD)** – Which would modify the legislative notice requirements regarding changes to the Measure R Expenditure Plan. **SUPPORT**

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

45. RECEIVED Chair’s Report.
- Presented Resolution to Larry Zarian.

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

46. RECEIVED Chief Executive Officer’s Report.
- International Rail Rodeo Results

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

47. APPROVED ANTONOVICH AND O'CONNOR MOTION that the Metro Board directs the CEO to make arrangements for **Metro to be a sponsor agency for the AltCar Expo** to be held in October in Santa Monica and to be a participating agency at this event providing information on Metro services and fuel technology.

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

48. APPROVED AS AMENDED the following **motions on the SR-710 gap closure:**

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

1. analysis shall be neutral, objective and fully analyze all alternatives that address the purpose and objectives of the State Route 710 North Gap Closure;
2. community input shall be sought throughout the entire process; and
3. a cost-benefit analysis shall be performed and findings shall be presented at the same time the LACMTA Board considers the Draft EIR.
4. the scoping document should evaluate all alternatives, all zones and all modes.

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

B. ~~**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 move that if the environmental process moves forward, that MTA consider the negative impacts a portal constructed north of Valley Boulevard will have on the residential neighborhoods in the community of El Sereno.~~  
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Part B – Continued:

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

- C. **Antonovich and Fasana Motion** that the Metro Board:
1. approve the three staff recommendations for Item 17 on May 27, 2010 Regular Board agenda;
  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:
    - 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

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Part C – Continued:

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.

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

49. **Closed Session:**

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

1. Stephens v. LACMTA, Case No. BC 419329

APPROVED settlement in the amount of \$650,000.

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

2. Schmolder v. LACMTA, Case No. SC103328

NO REPORT

3. LACMTA v. Parson-Dillingham, Case No.: BC150298

NO REPORT

4. Magdaleno v. SCRRA, et al, Case No. PC043703 (Chatsworth Metrolink accident cases)

NO REPORT

B. Conference with Labor negotiators – G.C. 54957.6

1. Agency Representative: Richard Hunt  
Employee Organizations – ATU, UTU, TCU, Teamsters

NO REPORT

WITHDRAWN:

2. Agency Representative: James Falicki  
Employee Organizations – TCU, Teamsters

C. Personnel Matters – G.C. 54957:

- Public Employee Performance Evaluation
- Chief Executive Officer

CARRIED OVER

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