

RECAP/DRAFT MINUTES

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at: 9:55 a.m.

Directors Present:

Don Knabe, Chair
Antonio Villaraigosa, 1st Vice Chair
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Ara J. Najarian
Pam O'Connor
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky
Vacant, non-voting member

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

Pledge of Allegiance

Reading of the Agenda

I. PRESENTATIONS/SET MATTERS

S-1. RECEIVED Chair’s Report.

- Announced adjournment in memory of Mandy Antonovich, sister of Director Antonovich.

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

S-2. RECEIVED Chief Executive Officer’s Report.

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II. BOARD OF DIRECTORS 1 THROUGH 6

1. APPROVED **Minutes** of the October 28, 2010 Regular Meeting.

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|---------------------|----------------------|------------------------|----------------|
| RR = R. Robinson | AN = A. Najarian | RK = R. Katz | JF = J. Fasana |
| JH = J. Huizar | MA = M. Antonovich | DD = D. DuBois | |
| PO = P. O’Connor | DK = D. Knabe | MRT = M. Ridley-Thomas | |
| ZY = Z. Yaroslavsky | AV = A. Villaraigosa | GM = G. Molina | |

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

2. RECEIVED AND FILED report on **follow-up to the motion adopted at the September 23, 2010 Regular Board Meeting regarding Debt Policy.**

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3. AUTHORIZED the Chief Executive Officer to amend the FY 2010-11 Budget to include an additional \$18 million in Measure R funds to the Southern California Regional Rail Authority (SCRRA) to exercise a **20 car option for Rotem commuter rail cars.**

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4. APPROVED KATZ MOTION that the MTA Board direct the CEO to develop a draft **“Clean/Green Construction Policy” for MTA-funded construction projects** and report back during the March 2011 Board cycle on the following:

1. Identify what types of owned, leased, and contracted (including construction contracts) diesel equipment MTA currently uses or is likely to use in the future. MTA staff also shall:
 - A. Research the availability of such equipment to contractors and the construction industry.
 - B. Provide cost comparison for green or alternative fueled vehicles (this would compare the cost of new construction equipment that meets 2010 US EPA PM2.5 emission standards to the cost of retrofitting, re-powering, or buying alternatively fueled construction equipment).
2. Evaluate adopted clean/green construction equipment policies in other U.S. cities and public agencies, including but not limited to: the City of San Francisco, City of Pittsburg (PA), and Los Angeles World Airports (LAWA).

(Cont'd next page)

(Item 4 - Continued from previous page)

- A. Convene a peer group of major, mid-size and small contractors and subcontractors to elicit recommendations on how best to structure and implement a “Clean/Green Construction Policy” at MTA.
 - B. Seek additional input from other stakeholder groups regarding how best to structure and implement a “Clean/Green Construction Policy” at MTA.
3. Identify potential sources of funds to pay for a green construction equipment policy, including the South Coast Air Quality Management District, the California Air Resources Board, U.S. DOT and U.S. EPA.
 4. Based on the above, recommend practical and cost-effective emission reduction actions to be included in upcoming construction equipment purchases, procurements (including but not limited to upcoming Measure R transit and highway construction contracts), and other construction contracts funded entirely or in part by MTA.

Further move that a final “Clean/Green Construction Policy” shall be subject to future Board approval.

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5. APPROVED MOLINA SUBSTITUTE MOTION to carry over Najarian Motion, as amended by Fasana, to February Board cycle and direct staff to report back on the schedule impact to Measure R, 710 and all other projects.

NAJARIAN MOTION that:

- A. the Chief Executive Officer (CEO) direct staff to **update the 2006 funding estimates for the State Route (SR) 710 gap closure** based on sound methodology as demonstrated by the state of New Jersey and return to the Board in February 2011 with the most accurate estimate of total costs associated with the SR 710 gap closure; and

(Cont'd next page)

(Item 5 - Continued from previous page)

- B. based on this new estimate/methodology, the LACMTA Board weigh the costs of this project against the flaws and benefits and vote to determine if it is fiscally responsible to move forward with this project.

Fasana Amendment to apply Najarian Motion to all Measure R construction projects.

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6. APPROVED:

- A. an increase to the **Life Of Project Budget for Project 890001, Exposition Light Rail Project (Phase 1)** in the amount requested in the letter by the Exposition Construction Authority (refer to Board report attachment): \$28,500,000, increasing the previous authorized amount of \$898,890,445 to \$927,390,445;
- B. amending the FY11 budget to add \$28,500,000 to Project 890001, Exposition Light Rail Project (Phase I); and
- C. authorizing the Chief Executive Officer to execute an amendment to the existing funding agreement with the Exposition Construction Authority for the additional funds.

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III. APPROVED CONSENT CALENDAR ITEMS 7-10, AND 12-14**

**Item 8 required a 2/3 vote

Consent Calendar Items were approved by one motion except Item 11 which was held by a Director for discussion.

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EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

7. ADOPTED ON CONSENT CALENDAR the **proposed 2011 Federal and State Legislative Program.**
8. ADOPTED ON CONSENT CALENDAR BY A 2/3 VOTE **K-12 Student Fare Program** that includes a \$1.00 stored value fare and a \$1.00 default fare available only on student K-12 TAP card.
9. APPROVED ON CONSENT CALENDAR:
 - A. receiving and filing actions being taken to respond to the **September Board directive on MTA’s Bicycle Policies and Programs;** and
 - B. transfer of \$92,105 in one-time payment from Hollywood-Vine Hotel Developer to the bicycle parking program for future implementation of the Hollywood-Vine Bike Room Demonstration Project.

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**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE &
FINANCE AND BUDGET COMMITTEE**

10. APPROVED ON CONSENT CALENDAR:

VILLARAIGOSA MOTION regarding **Free Transit for School Kids during Non-Peak Hours:**

Move that the MTA Board adopt as policy that:

Pre-school, elementary school, middle school, and high school students in Los Angeles County shall be allowed to ride MTA transit for free during designated hours for eligible school-organized activities led by teachers.

Further move that the MTA Board direct the CEO to develop and implement procedures for administering the policy by January 31, 2011, including but not limited to:

1. Determining eligibility for students
2. Designating days and hours during which eligible students can ride for free
3. Determining eligible school-organized activities (field trips, etc.)
4. Identifying responsibilities of and conditions for participating school districts or individual schools (chaperones, maximum group size, liability/indemnification, advanced scheduling, transit education, etc.)

**FINANCE AND BUDGET COMMITTEE &
PLANNING AND PROGRAMMING COMMITTEE**

11. AUTHORIZED UNDER RECONSIDERATION, AS AMENDED, the Chief Executive Officer to:
- A. establish a life-of-project budget for the **Artesia Transit Center Improvements Project** in the amount of \$1,240,000;
 - B. approve the transfer of \$990,000 in funding from Capital Project #202096 Norwalk 605 Station Expansion Project to the Artesia Transit Center Improvements Project; and
 - C. amend the FY11 budget to add in \$80,000 of revenues and expenditures to be funded with Federal 5307 Bus Operations Subcommittee Transit Enhancements funds to begin implementation of the project in FY11.

Ridley-Thomas and O'Connor Amendment that staff prepare a Preliminary Site Assessment of the Artesia Transit Center that should include, but not be limited to, the following:

- I. Technical Review
Assess the following existing conditions:
 - a. Soils
 - b. Potential Hazmat Conditions
 - c. Zoning
 - d. Access
 - e. Utilities; and
 - f. Other site conditions

Identify conditions that might affect development potential of the site; and highlight “fatal flaws” if any.
- II. Program Development
Assess the economic feasibility of the following land uses at the location:
 - a. Residential
 - b. Retail
 - c. Other uses
 - d. Parking needs, including transit patron parking.Create a Conceptual Development Program with economically feasible land uses. (Continued on next page)

(Item 11 – Continued from previous page)

III. Conceptual Site Plan

Prepare two conceptual massing diagrams to accommodate the Conceptual Development Program on the site.

Consult with the Artesia Transit Center Task Force (including South Bay Cities Council of Governments) and report back no later than the April 2011 full Board meeting with recommended next steps.

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MEASURE R PROJECT DELIVERY COMMITTEE & PLANNING AND PROGRAMMING COMMITTEE

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

- A. increase project budget for an amount not to exceed \$5,026,547 for **I-710 Corridor Project**, with the additional funds coming from Measure R I-710 South and/or Early Action Projects;
- B. execute contract modification No. 7 to Contract No. PS4340-1939 with URS Corporation to incorporate project changes and reevaluate project alternatives for an amount not to exceed \$4,428,581, and a contract extension of 15 months;

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- C. execute contract modification No. 3 to Contract No. PS4340-1940 with Moore lacafano Goltsman for the facilitation of community participation for an amount not to exceed \$597,966, and a contract extension of 15 months; and

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(Item 12 – Continued from previous page)

D. approve a Limited Notice to Proceed.

13. ADOPTED ON CONSENT CALENDAR a **consolidated development strategy** for maintenance facilities associated with expansions of the Metro Green Line and three new transit extensions – the Crenshaw/LAX Transit Corridor, the South Bay Metro Green Line Extension, and the Metro Green Line Extension to LAX.

PLANNING AND PROGRAMMING COMMITTEE

14. APPROVED ON CONSENT CALENDAR the **2011 Call for Projects Application Package**.

IV. DISCUSSION ITEMS 15 THROUGH 22

15. APPROVED AS AMENDED:
- A. certifying the Final Environmental Impact Report/Environmental Assessment (FEIR/EA) for the **Wilshire BRT Project**;
 - B. adopting Alternative A – Truncated Project Without Jut-Out Removal as the Preferred Alternative;
 - C. adopting the Findings of Fact and Statement of Overriding Consideration and the Mitigation Monitoring and Reporting Program;
 - D. authorizing staff to File a Notice of Determination;
 - E. authorizing the CEO to enter into contract agreements with the City of Los Angeles for an amount not to exceed \$29,541,043 and with Los Angeles County for an amount not to exceed \$1,968,957 to construct peak-period curbside bus lanes in the City and County of Los Angeles along Wilshire Boulevard between Centinela Avenue and South Park View Street;

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(Item 15 – Continued from previous page)

- F. If, in negotiations with the City and County of Los Angeles, it is agreed that Metro will be the lead agency for project development and construction, authorize the Chief Executive Officer to:
 - 1. Have MTA be the lead agency for preliminary engineering, project development, and construction of Wilshire Bus Rapid Transit Project;
 - 2. Execute agreements with City, County of Los Angeles, and Caltrans, as appropriate, for reimbursement of costs for staff, consultant services;
 - 3. miscellaneous items affiliated with preliminary engineering, project development, construction, and public outreach efforts; and
 - 4. add one FTE to be funded from the federal grant for the Wilshire BRT to conduct project management responsibilities;
- G. reprogramming funds from the Call for Projects No. 8050 (Wilshire Boulevard Corridor Improvements Selby to Comstock) as local matching funds for the Wilshire BRT Project;
- H. amending the FY11 budget by up to \$2,298,970 to advance to the City of Los Angeles to cover costs associated with the project per the funding plans shown in Attachments C and D of the Board report; and
- I. authorizing staff to amend the Wilshire BRT Project EIR/EA and Traffic Analysis consultant contracts for an amount up to \$300,000 for additional environmental analysis if a locally preferred alternative is selected that is not environmentally cleared.

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(Item 15 – Continued from previous page)

Yaroslavsky Amendment that the segment between Selby and Comstock be removed from the project and as required by CEQA, that staff complete the necessary environmental impact analysis to determine if there will be any significant impacts.

Further move that while staff prepares the environmental impact analysis to remove the section between Selby and Comstock, that staff also conduct a separate technical analysis to assess travel time delay and traffic impacts in the mixed flow lanes along the project corridor. This analysis should serve to help determine what additional mitigation would be necessary to address time delays along the corridor and in the region.

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16. APPROVED:

- A. authorizing the Chief Executive Officer to award and execute sole source Contract No. PS210120-2649, for **design support during construction for the I-10 and I-110 Express Lanes** to PB Americas, Inc for an amount not to exceed \$1,800,000; and
- B. establishing Contract Modification Authority for 10% of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within and up to the Board approved Contract Modification Authority.

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17. AUTHORIZED the Chief Executive Officer to execute Change Modification No. 8 to Contract No. C0882, with Kiewit Infrastructure West Company, **for design revisions to widen Sepulveda Boulevard between Stations 1719+75 and 1756+50, Montana Avenue and Church Lane**, and modify the 1720 and 1730 Retaining Walls, for an amount not to exceed \$1,800,000, increasing the total contract value from \$721,332,000 to \$723,132,000.

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18. AUTHORIZED the Chief Executive Officer to execute Change Modification No. 9 to Contract No. C0882, with Kiewit Infrastructure West Company, **for design revisions to realign the I-405 freeway between Stations 1754+00 and 1839+75**, for an amount not to exceed \$3,000,000, increasing the total contract value from \$723,132,000 to \$726,132,000.

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19. AUTHORIZED the Chief Executive Officer to execute Change Modification No.10 to Contract No. C0882, with Kiewit Infrastructure West Company, for design revisions to **realign Mulholland Drive and shift the Mulholland Bridge to the south**, for an amount not to exceed \$3,000,000, increasing the total contract value from \$726,132,000 to \$729,132,000.

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20. **ADOPTED AS AMENDED Regional Fare System Plan.**

DuBois-O’Connor-Najarian-Villaraigosa Amendment:

The intent of the report recommending adopting a schedule for the timely implementation of Regional Fare System Plan (RFSP) is to have the Board adopt certain milestones for implementation.

This Board is committed to the implementation of an RFSP. In order to successfully achieve the goal of a Los Angeles County seamless fare system that enables customers to “conveniently transfer between transit services provided by different operators”, outstanding issues articulated in a September 23, 2010 letter from the Los Angeles County Municipal Operators Association (LACMOA) must be addressed and resolved to the satisfaction of all parties.

Additionally, LACMOA members are regional partners in the RFSP and as such should be consulted on the components and timing of the implementation schedule before this Board adopts any timeline.

THEREFORE, we instruct the CEO to:

- A) Return in February of 2011 with the results of a meeting(s) with LACMOA addressing and resolving the outstanding issues and concerns as detailed in the LACMOA matrix and any additional comments prior to bringing the RFSP back to the **Operations Committee and** Board;
- B) Return with an implementation plan for the RFSP that has been vetted and discussed with the MTA’s regional transit partners.

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21. APPROVED:

- A. authorizing the **leasing of office space to provide an Integrated Project Management Office to support the Crenshaw LAX Transit Corridor Project;**
- B. authorizing the Chief Executive Officer to execute an eight year lease agreement, including up to two (2) one year options, with Marvin Gart Trust for the rental of office space and associated parking in an office building located at 3695-3699 Crenshaw Blvd, Los Angeles, CA commencing January 1, 2011 at an estimated initial annual rental cost of \$255,107.00 or \$21,258.92 per month plus the annual cost of utilities and operating expenses; and
- C. amending the FY11 budget to add \$550,000 of Measure R Transit Capital Funds 35% to Project 865512 Crenshaw/LAX Transit Corridor to cover the base rent for the balance of FY11 and estimated cost of tenant improvements.

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22. APPROVED:

- A. revising the **Congestion Reduction Demonstration (CRD) Project Funding Plan** as shown on Attachment A of the Board report and increasing the funding by \$41.2 million to \$331.8 million; and
- B. adjusting the Life of Project for the CRD Projects affected by Action A, as shown on Attachment B of the Board report.

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V. MISCELLANEOUS

23. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
24. Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.
25. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

VI. CLOSED SESSION

CS-1. Personnel Matters – G.C. 54957:

Public Employee Appointment

➤ Consider appointment of Inspector General

NO REPORT.

CS-2. Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a)

1. Cathy Gaddy v. LACMTA, Case No. CV09-02343-SVW (VBKx) and related cases

NO REPORT.

2. In Bae Kim and OK Kee Kim v. LACMTA, Case No. BC418447

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

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3. Posis v. LACMTA, Case No. BC 406099

NO REPORT.

CS-3. Conference with Real Estate Negotiator - G.C. 54956.8

Property Address: 800 North Alameda Street, Los Angeles, CA

MTA Negotiator: Roger Moliere

Negotiation Parties: LACMTA and Catellus Operating Limited Partnership

Negotiation: Terms and payment

NO REPORT.

CS-4. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b)

Significant Exposure to Litigation (two cases)

AUTHORIZED settlement between Expo and its contractor, funding for which was approved at agenda Item #6. Agreement will be available when signed by both parties.

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CS-5. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(c)

Initiation of Litigation (one case)

AUTHORIZED settlement and amendment regarding shared use agreement with BNSF. Documents will be available when finalized.

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CS-6. Conference with Labor Negotiator - G.C. 54957.6

Agency Representative: Richard Hunt and designated staff

Employee Organizations: ATU, UTU, TCU, Teamsters

NO REPORT.

ADJOURNED at 2:45 P.M in memory of Mandy Antonovich, sister of Director Antonovich.

Prepared by: Michele Chau
Board Specialist

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