

RECAP/DRAFT MINUTES

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at: 9:15 a.m.

Directors Present:

Don Knabe, Chair
Antonio Villaraigosa, 1st Vice Chair
Michael Antonovich, 2nd Vice Chair
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Ara J. Najarian
Pam O'Connor
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



Los Angeles County
Metropolitan Transportation Authority

Metro

Pledge of Allegiance

Reading of the Agenda

I. PRESENTATIONS/SET MATTERS

S-1. RECEIVED Chair's Report.

- Reported on recent trip to Washington, DC. A highlight of the trip was attendance at the State of the Union address.
- Announced adjournment in memory of MTA employee Byron Lee.

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

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

- Press event was held recently to commemorate retirement of the agency's last diesel bus.
- Recognized Howard Sachar, Citizens Advisory Committee Person of the Year.

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

II. BOARD OF DIRECTORS 1 THROUGH 3

1. APPROVED **Minutes** of the December 9, 2010 Regular Meeting.

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

VACANT	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

II. BOARD OF DIRECTORS - Continued

2. RECEIVED oral report on **FTA’s preliminary engineering approval notices for the Westside Extension and Regional Connector.**

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

3. RECEIVED AND FILED the **Follow-Up Audit of Non-Competitive Procurements (11-ADM-001); and**

APPROVED **Ridley-Thomas Motion** that the Chief Administrative Services Officer return to the Board in 60-90 days with policies, practices and procedures that have changed as a result of the audit findings.

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

III. APPROVED CONSENT CALENDAR ITEMS 4-18, AND 20**

**Item 16 required a 2/3 vote.

Consent Calendar Items were approved by one motion except Item 19 which was held by a Director for discussion.

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

AD HOC CONGESTION PRICING COMMITTEE

4. APPROVED ON CONSENT CALENDAR:
 - A. Contract Modification Authority to Contract No. C0958, El Monte Busway and Transit Center, with KPRS, Inc. for an amount not to exceed \$6,000,000;
 - B. authorizing the Chief Executive Officer to negotiate and execute contract modifications to Contract No. C0958 to provide for **evacuation, transportation and disposal of discovered contaminated soils at El Monte Station** for an amount not to exceed \$6,000,000, allowing an increase to the total contract value from \$39,001,070 to \$45,001,070; and
 - C. authorizing staff to enter into discussions with Caltrans for any potential cost recovery for Metro as it relates to the contaminated soils discovered beneath the Caltrans properties.

5. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to exercise Options #1 and #2 to Contract No. PS092210233 with Atkinson Contractors, LP to install **additional signage allowing Express Lane users access to and from the I-105 via the HOV direct connector ramps and to install additional signage** required by the 2009 Manual on Uniform Traffic Control Devices in the amount of \$4,250,000 increasing the total contract amount from \$72,365,702 to \$76,615,702. This action does not increase the Life of Project budget.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

6. APPROVED ON CONSENT CALENDAR supporting a set of principles that would reenact the **sales tax-gas tax swap package enacted in 2010**.

7. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **negotiate salaries** within the pay range for the following budgeted positions:
 - A. Executive Officer, Project Support, pay grade AA (\$134,378 - \$167,972 - \$201,567)
 - B. Executive Officer, Countywide Planning and Development, pay grade AA (\$134,378 - \$167,972 - \$201,567)
 - C. Executive Director, Project Management Oversight, pay grade BB (\$142,641 - \$178,301 - \$ 213,962)
 - D. Chief Administrative Services Officer, pay grade BB (\$142,641 - \$178,301 - \$213,962)

8. APPROVED ON CONSENT CALENDAR an expenditure of \$200,000 to prepare an **update to the Disparity Study** to include procurements completed during the fiscal years 2008 through 2010.

FINANCE AND BUDGET COMMITTEE

9. APPROVED ON CONSENT CALENDAR:
 - A. adopting the updated **Investment Policy**;
 - B. the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA Officials; and
 - C. delegating to the Treasurer or his/her designees, the authority to invest funds for a one-year period, pursuant to California Government Code Section 53607.

FINANCE AND BUDGET COMMITTEE – Continued

10. APPROVED ON CONSENT CALENDAR the updated **Compressed Natural Gas (CNG) Hedging Program**.

MEASURE R PROJECT DELIVERY COMMITTEE & PLANNING AND PROGRAMMING COMMITTEE

11. APPROVED ON CONSENT CALENDAR:
 - A. screening the Freight Track alternative from further consideration in the **South Bay Metro Green Line Extension Draft Environmental Impact Statement/Report (Draft EIS/R)**; and
 - B. receiving and filing status report on Outreach efforts.

OPERATIONS COMMITTEE

12. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 10-0042 to New Flyer Industries Canada ULC, the lowest responsive and responsible bidder for **bus brake rotors and disc pads** for an amount not to exceed \$1,027,886, inclusive of sales tax and two one-year options.
13. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 10-0036 to the following lowest responsive and responsible bidders for **alternators** for an amount not to exceed \$4,408,412, inclusive of sales tax and two one-year options.
 - A. H & H Auto Parts Wholesale for line item one for a contract value of \$254,533, inclusive of sales tax;
 - B. Kirk's Automotive, Inc. for line items two and three for a contract value of \$3,442,704, inclusive of sales tax; and
 - C. Romaine Electric for line item four for a contract value of \$711,175, inclusive of sales tax.

OPERATIONS COMMITTEE – Continued

14. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 11-0014 to The Jankovich Company, the lowest responsive and responsible bidder for **CNG engine oil** for an amount not to exceed \$3,748,976, inclusive of sales tax and two one-year options.

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

- A. make appropriate amendments to the FY2011 and FY2012 budgets to increase the operating budget by up to \$300,000 if outside funding is obtained for **Dodger Stadium Express service** during the 2011 baseball season (April – October 2011); and
- B. amend future fiscal year budgets if grant monies are received.

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

16. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:

- A. finding that there is only a single source of procurement for the **Uninterruptible Power Supply (“UPS”) and Battery Backup System** and purchase is for the sole purpose of replacing the UPS already in use. The Board hereby authorizes the purchase of an Uninterruptible Power Supply and Battery Backup System pursuant to Public Utilities Code Section 130237; and
- B. authorizing the Chief Executive Officer to award a firm fixed price Contract No. PS119240001 to Total Concept Sales to procure the Uninterruptible Power Supply and Battery Backup System in the amount of \$624,176.17, effective March 1, 2011.

OPERATIONS COMMITTEE – Continued

17. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 2 to Contract No. PS07643032 with McAllister Office Pavilion, to increase the authorized contract amount authority for **space planning/installation services and systems office furniture** for an amount not to exceed \$340,000. This would increase the not-to-exceed contract amount from \$1,800,000 to \$2,140,000.

18. APPROVED ON CONSENT CALENDAR the following **nominees for membership on the South Bay Governance Council**:
 1. John Addleman: Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
 2. Jim Goodhart, Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
 3. Robert Pullen-Miles, Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
 4. Roye Love, New appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013

PLANNING AND PROGRAMMING COMMITTEE

19. CARRIED OVER DUE TO CONFLICTS AND ABSENCES:
 - A. approving Joint Development Bench for Economic and Financial Discipline, and authorizing the Chief Executive Officer (CEO) to establish a qualified list of candidates for approve Bench contracts resulting from the Request for Interest and Qualifications (RFIQ) for a three-year period beginning on February 1, 2011 with two one-year extensions for professional services not to exceed a cumulative total value of \$2,000,000 for both Bench contracts; and

 - B. approving Joint Development Bench for Urban and Architectural Planning Discipline, and authorizing the CEO to approve Bench contract resulting from the RFIQ for a three-year period beginning on February 1, 2011 with two one-year extensions for professional services not to exceed a cumulative total value of \$2,000,000 for both Bench contracts.

(Subject to resolution of protest)

20. APPROVED ON CONSENT CALENDAR finding that all 88 cities and the County of Los Angeles are in conformance with the **Congestion Management Program (CMP) for Los Angeles County**.

IV. DISCUSSION ITEMS 21 THROUGH 27

21. APPROVED AS AMENDED:

- A. a **unified process and policy for the management and minimization of project costs of the Measure R transit projects**, including a requirement for the prompt development and consideration of lower-cost project alternatives that address the cost-control policy actions of the Board of Directors to date, including, but not limited to, all of those listed in Attachment A of the Board report;
- B. approving that for Measure R funds, such unified process and policy shall include a requirement where Measure R funding (including any prior Measure R expenditures) shall not exceed the amount shown in the “New Sales Tax Total” column of the Measure R expenditure plan;
- C. directing the CEO to meet with City and County 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; and
- D. receiving and filing this response, shown in Attachment B of the Board report, to the Antonovich/Najarian motion from July 2010 that stated, in part, that the CEO should present:
 “A comprehensive, integrated, “cradle-to-grave” strategy for using the funding marks contained in the proposed FY 2011 budget to implement MTA’s Long Range Transportation Plan (LRTP) projects on both the LRTP schedule and the potential 30/10 schedule.”

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

(Please refer to next page for amendments)

(Item 21 – Continued from previous page)

APPROVED MOLINA, KNABE AND O’CONNOR AMENDMENT that the Board direct the CEO to amend the Unified Cost Management Process and Policy for Measure R Transit and Highway projects by reinserting the transit corridor and sub-regional steps into the process outlined in attachment A of the Board report for Item 21 for identifying possible cost and funding trade-offs for project cost increases. Any such evaluation at the corridor and sub-regional level must rely heavily upon the input and recommendations by the appropriate Council of Governments (COGs).

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

APPROVED O’CONNOR, MOLINA AND DUBOIS AMENDMENT that Management return to this Board with a “fiscal responsibility policy” for the Line 18 “Capital Project Contingency” funds that addresses both the original 2009 LRTP and potential 30/10 timeline scenarios to ensure that all Measure R projects will have equal access to the Contingency funds in the later decades.

Further move that Management will return to this Board with its recommendations for the “fiscal responsibility policy” for Measure R “Capital Project Contingency” funds at the April, 2011 Finance & Budget Committee.

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

22. AUTHORIZED the Chief Executive Officer to award a nine-year, fixed fee Contract No. PS-5310-2583 to Wells Fargo Insurance Services USA, Inc. for **insurance brokerage services** in an amount of \$2,654,100, inclusive of three two-year options, effective February 1, 2011.

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

23. APPROVED YAROSLAVSKY SUBSTITUTE MOTION UNDER RECONSIDERATION to approve a three-month extension (on a month-to-month basis) of the current contract with Mitsubishi Electric & Electronics USA, Inc. for **Metro transit facilities elevator and escalator maintenance and repair services** at a rate no higher than that quoted in the proposed contract, and report back to the Board following an independent review of the procurement process.

~~AUTHORIZE the Chief Executive Officer to award a five-year firm fixed unit rate Contract No. OP85102554 to Mitsubishi Electric & Electronics USA, Inc. for **Metro transit facilities elevator and escalator maintenance and repair services** for an amount not to exceed \$44,377,356, inclusive of two one-year options, effective March 1, 2011.~~

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

24. APPROVED AS AMENDED authorizing staff to issue changes to RFP 3010 Terms and Conditions, Evaluation Criteria and Proposal Submittal Requirements. This action will create two parallel paths within the existing RFP to allow Proposers the option to simultaneously submit a proposal within the current RFP requirements and one that closely follows known FTA regulations and guidelines for a federally funded solicitation for **Light Rail Vehicles**.

Yaroslavsky Amendment that if no response is received from the Federal Transit Administration by May 31, 2011, authorize staff to proceed with the known FTA regulations and guidelines for a federally funded solicitation for Light Rail Vehicles.

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

25. APPROVED the changes proposed by the Planning and Programming Committee in July to this Receive and File status report on the **acceleration of schedules and project costs for the 2009 Long Range Transportation Plan (LRTP) incorporating the 30/10 Initiative**.

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

26. APPROVED FASANA SUBSTITUTE MOTION to extend the **federal advocacy services contract** currently provided by Manatt, Phelps & Phillips for a period of thirty days and authorize staff to report back at the Executive Management and Audit Committee and Regular Board meetings.

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

FAILED ANTONOVICH SUBSTITUTE MOTION to extend the federal advocacy services contract currently provided by Manatt, Phelps & Phillips up to two months and report back to the Board.

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

FAILED directing the Chief Executive Officer not to exercise a six month option to extend the federal advocacy services contract currently provided by Manatt, Phelps & Phillips at a monthly rate of \$51,500.

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

27. APPROVED the following **nominee for membership on the Gateway Cities Governance Council:**

Richard Burnett - New appointment to fill unexpired position held by Harley Rubenstein. Nominated by Gateway Cities Council of Governments.

Term Ending: June 30, 2012

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

V. MISCELLANEOUS

- 28. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
- 29. 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.
- 30. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

RECEIVED public comment.

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):

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

APPROVED settlement recommendation, details of which will be made available after signing by both parties.

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

VI. CLOSED SESSION – Continued

CS-3. Conference with Labor Negotiator - G.C. 54957.6:

Agency Representative: Richard Hunt and designated staff
Employee Organizations: ATU, UTU, TCU, Teamsters

NO REPORT.

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

Significant Exposure to Litigation (one case)

NO REPORT.

ADJOURNED at 1:20 p.m. in memory of MTA employee Byron Lee.

Prepared by: Michele Chau
Board Specialist

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