

RECAP/DRAFT MINUTES

**Regular Board Meeting
Board of Directors**

**One Gateway Plaza
3rd Floor Board Room**

Called to Order at: 10:12 A.M.

Directors Present:

Antonio Villaraigosa, Chair
Michael Antonovich, 1st Vice Chair
John Fasana
José Huizar
Richard Katz
Don Knabe
Gloria Molina
Ara J. Najarian
Pam O'Connor*
Mel Wilson
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

*Via Telephone

Ibis Hotel Hong Kong North Point Lobby
138 Java Road North
North Point, Hong Kong



Los Angeles County
Metropolitan Transportation Authority

Metro

1. APPROVED **Consent Calendar** Items: 2, 5, 6, 7, 8, 9, 10, 18, 19, 20, 22, 38, 39, and 54.

Consent Calendar Items were approved by one motion.

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

2. APPROVED ON CONSENT CALENDAR **Minutes of Regular Board Meeting held April 26, 2012 and of the Special Board Meeting held April 30, 2012.**

3. RECEIVED **Chair's Report.**

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

4. RECEIVED **Chief Executive Officer's Report.**

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

5. APPROVED ON CONSENT CALENDAR:

- A. The proposed strategic positioning of categorical amounts for freeway and non-freeway projects to provide a framework for the future allocation of **Measure R funds for I-710 South and/or Early Action Projects**; and

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

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

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- B. Execution of any necessary agreements with the Gateway Cities Council of Government (GCCOG) and I-710 Corridor Cities to provide support in the development and implementation of individual projects; and
 - C. Entering into funding agreement(s) with GCCOG and I-710 Corridor Cities for the review of the I-710 Corridor Improvement Project Draft Environmental Impact Report/Environmental Impact Statement.
6. APPROVED ON CONSENT CALENDAR:
- A. The proposed strategic positioning of categorical amounts for freeway and non-freeway projects to provide a framework for the future allocation of **Measure R funds for I-605 Corridor "Hot Spots" Interchanges**; and
 - B. Entering into funding agreements with Gateway Cities Council of Governments (GCCOG) and I-605 Corridor Cities for the initiation of planning activities on the I-605 Corridor "Hot Spots" Program; and
 - C. Executing of any necessary agreement(s) with the GCCOG and I-605 Corridor Cities to provide support in the development and implementation of individual projects.
7. APPROVED ON CONSENT CALENDAR **extension of the funding duration to the High Desert Corridor Joint Powers Authority from FY 2010-11 to FY 2013-14.**
8. APPROVED ON CONSENT CALENDAR:
- A. Releasing the **Request for Qualifications/Request for Proposals for the Doran Street Grade Separation Project**;
 - B. That the **Southern California Regional Rail Authority pursue a fare increase of 9% for FY 2012-13**;
 - C. Receiving and filing the Regional Rail Update through April 2012.

9. APPROVED ON CONSENT CALENDAR:
- A. Amending the list of initial recommended projects to include the **Highway Goods Movement Package of projects**;
 - B. Increasing in Contract Modification Authority specific to Contract No. PS4370-2316 with InfraConsult, LLC, in the amount of \$300,000; and
 - C. Executing task orders within Contract Modification Authority to InfraConsult, LLC to conduct strategic assessment (Task 3) and develop the business case (Task 4) for elements of the Highway Goods Movement Program of projects, identified as additional potential Public-Private Partnership candidates.

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

10. APPROVED ON CONSENT CALENDAR AUTHORIZING execution of an agreement(s) with the **California Highway Patrol to provide services in support of the Metro Freeway Service Patrol, Big Rig Service Patrol, and ExpressLanes programs during FY13** in an amount not to exceed \$1,190,000.
18. APPROVED ON CONSENT CALENDAR submitting the **Transportation Infrastructure Finance and Innovation Act loan application to the U.S. Department of Transportation and pay related fees and expenses subsequent to the Board's approval of the environmental reports for the Westside Subway Extension Project.**
19. ADOPTED ON CONSENT CALENDAR a resolution authorizing:
- A. The Chief Executive Officer and other Authorized Officers to negotiate and execute the agreements between the **Crenshaw Project Corporation ("CPC") and the U.S. Department of Transportation ("USDOT"), related to the CPC entering into the \$546 million Transportation Infrastructure Finance and Innovation Act ("TIFIA") loan for the Crenshaw/LAX Transit Corridor Project**; and

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B. Execution of a Memorandum of Understanding with the USDOT for a TIGER II Discretionary Grant that will fund the \$20 million credit charge on the loan.

20. ADOPTED ON CONSENT CALENDAR a **funding strategy for retiree medical liabilities** by amending the Financial Stability Policy.

21. CARRIED OVER:

A. Adopting a resolution authorizing the:

1. **Issuance of bonds by competitive bond sale to refund the Prop C 2009-C Bonds and the Prop C 1999-A Bonds and approving the Notice of Intention to Sell Bonds, and Notice Inviting Bids, and**
2. **Replacement of the expiring liquidity facilities for the Prop C 2009-C Bonds.**

B. Authorizing CEO to finalize negotiations with the proposing banks short-listed and enter into any combination of agreements as provided for in the resolution for three year terms or less.

C. Authorizing the CEO to negotiate with each successively ranked proposing bank from the lists if unable to reach agreement with one or more of the recommended proposers.

(Requires separate, simple majority Board vote.)

22. APPROVED ON CONSENT CALENDAR:

A. Memorandum of Agreement with the State of California, Department of Transportation ("Caltrans"), which requires LACMTA to:

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1. convey easements to Caltrans for the construction of **High Occupancy Vehicle lanes** on MTA Property located adjacent to Interstate 5 between Burbank Boulevard and Buena Vista for Fair Market Value based on an appraisal;
2. amend existing agreements with utility providers who are required to relocate their existing facilities from the railroad ROW to another portion of the ROW under threat of Caltrans' exercise of eminent domain and assist Caltrans in negotiating such relocations with the utility providers; and
3. for LACMTA to accept from Caltrans \$1,400,000 to compensate LACMTA for the estimated cost to relocate in the future all private and public facilities from a portion of Victory Place should LACMTA use such property for its right-of-way; and

B. Cooperative Agreement with the City of Burbank ("City") which provides for the conditional vacation of a portion of Victory Place and for LACMTA to reimburse the City for the cost to relocate the public and private facilities from a portion of Victory Place.

30. AUTHORIZED the Chief Executive Officer to **implement the Gate Locking Plan and convert all TVMs throughout the Metro Rail system to operate in a TAP-only environment.**

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

32. CARRIED OVER:

- A. Adopting the **Measure R Extension Principles**;
 - B. Receiving and commenting on the Draft Ordinance;
 - C. Receiving and commenting on the Draft Resolution requesting the Los Angeles County Board of Supervisors to place the Ordinance on the ballot for the November 6, 2012 countywide general election;
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- D. Amending the FY13 budget to add \$10 million to fund election costs and public information; and
- E. Receiving and filing information on the key milestones for placing a measure on the ballot.

33. CARRIED OVER report on **Civil Rights Compliance Update**.

38. APPROVED ON CONSENT CALENDAR:

- A. Execution of Contract Modification No. 31 to Contract No. C0882, with **Kiewit Infrastructure West Company, to increase funding for Contract Schedule C Provisional Items to perform Utility Work (Wet Utilities), Hazardous Materials Removal, Remediation and Disposal, Westwood Hills Mitigation and Restoration, and Maintenance during Construction**, in the amount of \$16,550,000, increasing the Total Contract Value from \$777,968,227.49 to \$794,518,227.49; and
- B. An increase of \$16,550,000 to the Contract No. C0882 Change Modification Authority from \$76,900,700 to \$93,450,700, with no change to the Project 405523 Life of Project budget.

39. APPROVED ON CONSENT CALENDAR:

- A. **Negotiation and execution of a five year labor-hour contract under RFP No. PS8610-2879 with Hill International, Inc., the most qualified Proposer, for Program Management Support and Implementation services**, for an amount not to exceed of \$16,071,824, inclusive of two one-year options;
- B. Contract Modification Authority specific to Contract No. PS8610-2879 for 15% of the not-to-exceed contract award value; and

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C. Delegating to the CEO, should staff be unable to conclude negotiations with Hill International, Inc., the authority to negotiate and execute a contract with the next most qualified proposer.

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

46. CARRIED OVER authorizing the Chief Executive Officer to execute Modification No. 7 (Option 1) to Contract No. PS2610LASD with the **County of Los Angeles Sheriff's Department to provide law enforcement services** for the period covering July 1, 2012 through June 30, 2013 in the amount not-to-exceed \$80,622,796, an increase of \$1,781,056 over the current fiscal year.
47. CARRIED OVER authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP39602869 to **Balfour Beatty Rail Inc., the lowest responsive and responsible bidder for 18 Traction Power Substations** for an amount not-to-exceed \$19,176,024.01 inclusive of sales tax and storage fees.
48. CARRIED OVER authorizing the Chief Executive Officer to execute:
- A. Modification No. 7 to Contract No. OP33202167 with **Vehicle Technical Consultants to provide bus inspection services for the manufacturing process in Kaposvar, Hungary** for a period of fifteen months in the amount not-to-exceed of \$62,692 increasing the Total Contract Value from \$249,999 to \$312,691; and
 - B. Modification No. 6 to Contract No. OP33202168 with **Vehicle Technical Consultants to provide bus inspection services for final assembly in Anniston, Alabama** for a period of fifteen months in the amount not-to-exceed of \$58,769 increasing the Total Contract Value from \$232,553 to \$291,322.

49. CARRIED OVER authorizing the Chief Executive Officer to award a firm fixed price unit rate contract under Bid No. 12-0002 to Pamco Machine Works, the lowest responsive and responsible bidder, for the **overhaul of 216 Siemens P2000 light rail vehicle powered axle assemblies** for an amount not-to-exceed \$4,234,557.
50. **WITHDRAWN:**
- A. Returning to the Board, under Contract No. PS33201664 with ACS State and Local Solutions, delegated authority of \$24,182,212 for two options that will not be exercised (Option Period 1 and Option Period 2).
 - B. Authorizing the Chief Executive Officer to execute modification No. 12 to Contract No. PS33201664 with **ACS State and Local Solutions to provide Regional TAP Service Center services** for a period of eighteen months in the firm, fixed price of \$10,650,672 increasing the Total Contract Value from \$32,169,028 to \$42,819,700.
 - C. Increasing Contract Modification Authority specific to Contract No. PS33201664 with ACS State and Local Solutions for funding pending changes in the amount of \$500,000.
 - D. Ratifying expenditures of \$6,508,744 incurred to maintain TAP Service Center services from July 1, 2011 to May 30, 2012 that ensured no disruption in service to customers.
54. **APPROVED ON CONSENT CALENDAR:**
- A. **Adoption of the proposed FY13 budget** as presented in the budget document;
 - B. Approval of the life-of-project budget for all new capital projects as presented in the proposed budget document including 11 new projects with a life-of-project budget over \$5 million;

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- C. Amendment of the proposed budget to add 51 non-contract and 3 represented full time equivalents (FTE's) and \$10.8 million in additional wages and benefits. The FTE's are needed to maintain critical infrastructure, maintain ticket vending machines on Expo Line and Orange Line extension, support Measure R and deferred maintenance capital projects, implement Express Lanes, comply with civil rights regulations and enhance safety and fulfill public art requirement for Measure R Transit projects;
- D. Amendment of the proposed budget to increase expenditures by \$36.7 million for projects and programs. These projects were previously approved by the Board but were submitted for inclusion in the budget after the budget request submission deadline;
- E. Amendment of the proposed budget to add \$1 million in Communications to promote ridership to the new services for Expo Light Rail, Orange Line Canoga extension and improved Metro Rail services in headway reduction and extended late night service. Inter-agency transfer sales are expected to grow due to the added services and the Title VI translation and communication contract is also anticipated to increase;
- F. Approval of the Reimbursement Resolution declaring Metro intention to issue debt in FY13 for capital projects. Debt issuance will require separate Board approval; and
- G. Authorizing the Chief Executive Officer to negotiate a salary within the pay range for the Chief Operations Officer position, pay grade CC (\$190,621-\$234,708-\$278,793).

APPROVED ON CONSENT CALENDAR KNABE/DUBOIS MOTION:

Return to the Board, as part of the development of the FY13 budget process and funded from Measure R proceeds, a plan, including staffing, for a construction coordination office to be located within the Transit Projects Delivery Department that:

- A. Coordinates construction activities with city and utility construction projects to minimize the potential for major traffic incidents.

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- B. Seeks to work with other construction entities to establish construction schedules and phasing that minimize potential disruption(s);
- C. Seek to coordinate independent construction activities to minimize the expenditure of public funds, where practical and feasible;
- D. Create media materials, 511 information and other real-time information to the public, first responders, news media, local jurisdictions and utilities; and
- E. Create a web site or link that reflects the latest construction information and includes Twitter feeds and other social media if practical.

55. CARRIED OVER adopting staff recommended position:

- A. **AB 1446 (Feuer)** – Would remove the sunset date in Measure R and authorize an extension to be placed on the ballot. **SUPPORT**

56. CARRIED OVER approving the following **nominees for membership on the San Gabriel Valley Service Council:**

- A. John R. Harrington, San Gabriel Valley Service Council
Nominated by: The City of San Gabriel
Term Ending: June 30, 2015
- B. Mayor Pro Tem Juventino “J” Gomez, San Gabriel Valley Service Council
Nominated by: The City of El Monte
Term Ending: June 30, 2015

57. CARRIED OVER **Motion by Directors Antonovich, Najarian and Ridley-Thomas** that the MTA's Inspector General retain a consultant, funding to be determined, to:

- A. Evaluate the organizational structure of MTA,

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- B. Identify potential duplication of effort,
- C. Evaluate non contract employee titles commensurate with duties,
- D. Review span of control and the flattening of the agency; and

WE FURTHER MOVE, that MTA’s consultant report back to the Executive Management Committee and the full Board in September November 2012 with:

- A. A comprehensive evaluation of non contract FTEs, including recommendations for **addressing** the MTA organizational structure, including specifically duplication of efforts, silos, salary and title structure and flattening, and
- B. Provide a sound business-oriented Organizational Efficiency Plan.

58. ADOPTED:

- A. **The decision with findings regarding the reasonableness of the Constellation Station and the related subway tunnel alignment beneath Beverly Hills High School**, pursuant to Public Utilities Code Section 30645; and
- B. Authorized the Chief Executive Officer to transmit the decision and findings to the City of Beverly Hills by certified mail.

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

FAILED: ANTONOVICH MOTION that the MTA Board directs the CEO to do the following:

- A. Conduct a standard seismic fault hazard analysis for both the Constellation and Santa Monica station sites that meets the standards set by the California Geologic Survey;
 - B. Invite the City of Beverly Hills to monitor the work performed to complete the seismic fault hazard analysis;
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- C. Engage the California Geological Survey to serve as a neutral third party to evaluate the data and findings from this seismic fault hazard analysis;
- D. Request the California Geologic Survey to present its findings and conclusions to the MTA Board at the earliest possible board meeting; and
- E. Defer action on approving the Project Definition for Phase 2 and Phase 3 of the Westside Subway Extension Project from the Wilshire/La Cienega Station to the Westwood/VA Station until which time the California Geologic Survey makes its presentation to the MTA Board.

59. APPROVED:

A. The **Project Definition for Phases 2 and 3 of the Westside Subway Extension Project from the Wilshire/La Cienega Station to the Westwood/VA Station**, which is based on the Locally Preferred Alternative (LPA) of a 9.0 mile Heavy Rail subway project previously designated by the Board in October 2010 and which incorporates several station, alignment and phasing refinements, including:

1. Station locations and alignments for the westernmost three stations as follows:
 - a. Century City Station location under Constellation Boulevard at Avenue of the Stars with corresponding subway alignments between Beverly Hills and Westwood;
 - b. Westwood/UCLA Station under Wilshire Boulevard at Westwood Boulevard with corresponding subway alignment;
 - c. Westwood/Veterans Administration (VA) Hospital Station south of Wilshire Boulevard between the I-405 Freeway and Bonsall Avenue with corresponding subway alignment.

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2. Station entrances and construction staging sites for the four stations as follows:

- a. Wilshire/Rodeo Station entrance on the southwest corner of Wilshire Boulevard and Reeves Drive (Ace Gallery site) with two construction staging sites on the southwest corner of Wilshire/Reeves and on the northeast corner of Wilshire/Canon Drive;
- b. Century City Station primary entrance on the northeast corner of Constellation/Avenue of the Stars with two construction staging sites on the northeast corner of Constellation/Avenue of the Stars and on the east corner of Constellation/Century Park East;
- c. Westwood/UCLA Station entrances at three locations with a full entrance at UCLA Lot #36 and split entrances on the northwest and southwest corners of Wilshire/Westwood Boulevards and construction staging site on UCLA Lot #36;
- d. Westwood/VA Hospital Station entrance on the southeast corner of Wilshire Boulevard and Bonsall Avenue with construction staging sites in the VA Hospital north parking lot, within the Caltrans I-405 right-of-way and within the Westwood Federal Building property.

B. Authorizing the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and State of California Clearinghouse for Phases 2 and 3; and

C. Adopting the:

- 1. Findings of Fact and Statement of Overriding Considerations in accordance with the California Environmental Quality Act; and
- 2. Mitigation Monitoring and Reporting Plan.

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

60. **CARRIED OVER: CLOSED SESSION:**

A. Personnel Matters - G.C. 54957

Public Employee Performance Evaluation – Chief Executive Officer

B. Conference with Legal Counsel – Pending Litigation - G.C. 54956.9(a)

Gabriel Ogundele v. LACMTA, Case No. BC460756

RECEIVED public comment.

Prepared by: Collette Langston
Board Specialist

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