

Thursday, February 28, 2013 9:00 AM

RECAP of Proceedings

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:43 a.m.

Directors Present

Michael Antonovich, Chair
Diane DuBois, 1st Vice Chair
Richard Katz, 2nd Vice Chair
John Fasana
Don Knabe
Ara J. Najarian
Pam O'Connor
Mark Ridley-Thomas
Antonio Villaraigosa
Mel Wilson
Zev Yaroslavsky
Michael Miles, 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

1. APPROVED **Consent Calendar** Items: 2, 10, ~~14~~, 15, 16, 17, 19, 23, 34, 35, 38, 41, ~~44~~, 53, 55 and 57.

Consent Calendar items were approved by one motion except items 14 and 44 which were pulled for discussion.

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

2. APPROVED ON CONSENT CALENDAR **Minutes of the Regular Board Meeting and Special Board Meeting held January 24, 2013.**

3. RECEIVED Chair’s Report.

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

4. RECEIVED Chief Executive Officer’s Report.
 - ExpressLanes Recognition

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

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

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

9. APPROVED:

A. adopting a resolution that:

1. approves the **selection of Bank of the West and a form of the reimbursement agreement on file with the Board Secretary;**
2. approves the **selection of Wells Fargo Bank, National Association;** and
3. **makes certain benefit findings in compliance with the Government Code.**

B. authorizing the Chief Executive Officer to finalize negotiations with the proposing bank and:

1. **enter into reimbursement agreement for direct-pay letter of credit with Bank of the West for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,500,000,** including legal fees and other related expenses; and
2. **negotiate with Wells Fargo and prepare documents for a direct purchase revolving credit facility of \$75 million for a three-year term at an estimated cost of \$1,530,000,** including legal fees and other related expenses; or
3. **if unable to reach agreement with one or both of the recommended proposers, negotiate with each successively ranked proposer for agreements** having the terms and estimated costs for each bank.

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

10. APPROVED ON CONSENT CALENDAR an **amendment to the Measure R Local Return Guidelines to establish procedures for Local Return Borrowings.**

14. AUTHORIZED AS AMENDED BY DUBOIS the Chief Executive Officer to award a **five-year firm fixed price bench contract, under Contract No. PS12701049** with the contractors named below for vanpool lease services in an amount not to exceed \$33,237,000 inclusive of two one-year options effective March 1, ~~2014~~ 2013:

- A. California Vanpool Authority
- B. Enterprise Rent-a-Car Company of Los Angeles (dba Enterprise Rideshare)
- C. VPSI, Inc. (dba vRide)

AMENDMENT: that the Board authorize the Chief Executive Officer to extend the existing Metro Vanpool Vehicle Bench Agreements for a period of up to 90-days and expenditure authorization in an amount not to exceed \$1,600,000 pending resolution of protest.

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

15. APPROVED ON CONSENT CALENDAR:

- A. awarding \$9,443,997 in **Transit Oriented Development (TOD) Grants** to the 13 recommended project sponsors;
- B. authorizing the Chief Executive Officer to execute Grant Agreements for the funds; and
- C. amending the TOD Round 3 Grant Program Guidelines to allow 36 months for project completion.

16. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **amend the FY13 budget to:**

- A. **add one full-time equivalent (FTE) non-contract Administrative Analyst position to Countywide Planning, cost center 4540** to perform vanpool customer formation and in-take in compliance with new Federal Transit Administration rules for vanpool eligibility and reporting; and to
(Continued on next page)

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- B. **add one FTE non-contract Senior Account Executive position to Communications, cost center 7140** to provide advanced customer service for Metro’s employer annual pass sales program and manage the Youth On The Move program.
17. **APPROVED ON CONSENT CALENDAR a finding that all 88 cities and the County of Los Angeles are in conformance with the Congestion Management Program for Los Angeles County.**
18. APPROVED AS AMENDED BY WILSON, HUIZAR, DUBOIS AND FASANA:
- A. **deobligating \$12.918 million of previously approved Countywide Calls for Projects funding;**
 - B. approving changes to the scope of work and reprogramming funding for the City of Long Beach – Downtown Long Beach Pine Avenue Streetscape Improvement Project (#F5609);
 - C. receiving and filing status report on the Call for Projects with redevelopment funds.

AMENDMENT that the MTA Board direct the CEO to approve the following and report back no later than the April 2013 Board cycle:

1. Report back on the quality of active transportation projects submitted in the 2013 Call, with a recommendation for funding marks based on determined quality for the 2013 funding cycle.
2. Prepare a report on the current state of all Call for Projects funding cycles, including a measure of effectiveness of each modal category and levels of funding, and work with stakeholders to make recommendations for what should be adjusted for the 2015 Call for Projects cycle.

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3. Consider including a “complete streets” modal category in the 2015 Call for Projects cycle, or adjusting scoring criteria to give greater weight to projects that integrate all modes of transportation and foster complete streets.
4. Report back on how each MTA transit corridor project currently in design or under construction is working with cities to incorporate robust bicycle and pedestrian improvements to facilitate first mile / last mile transit access.
5. Report back on MTA’s existing project initiation checklist for major capital projects and analyze best practices to include any additional active transportation elements.
6. Evaluate and propose changes to MTA’s current design criteria to make it easier to incorporate stair channels or ramps so that bicyclists can wheel their bikes safely up and down staircases.
7. Work with cities across Los Angeles County to collect mode-split, economic, safety, and other relevant data to further justify the need for active transportation projects and demonstrate before and after results.
8. Look at reductions in station area parking to fund active transportation linkages and infrastructure around MTA stations.

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

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

- A. execute **modification No. 3 to Contract No. PS10-4320-2618 with HDR Engineering, Inc. (Contractor) in the firm fixed amount of \$339,793 for the expanded scope of the Environmental Impact Report/Environmental Assessment (EIR/EA) for the Restoration of Historic Streetcar Service Project in Downtown Los Angeles,** increasing the total contract value from \$2,481,082 to \$2,820,875;
- B. increase Contract Modification Authority for **Contract No. PS10-4320-2618, Restoration of Historic Streetcar Service in Downtown Los Angeles,** with the Contractor in the amount of \$250,000; and
- C. execute appropriate agreements **with Los Angeles Streetcar, Inc. to ensure that Metro is advanced the funds to cover all incurred costs,** including staff and consultant services, for the preparation of the EIR/EA and Federal Transit Administration Small Starts application.

22. AUTHORIZED the Chief Executive Officer to increase the cumulative Contract Modification Authority from \$680,067 to \$2,680,067 to execute additional contract modifications, if required, to Contract No. PS4370-2316, **Public-Private Partnership Consulting Services,** with InfraConsult LLC, (Consultant) to:

- A. evaluate the feasibility of a transit and/or highway facility through the **Sepulveda Pass as a Public-Private Partnership (P3) project;** and
- B. continue P3 work on development of the Accelerated Regional Transportation Improvements project.

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

23. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **enter into an amendment to the existing Revised Amended and Restated Joint Development Agreement with MacArthur Park Metro, LLC**, to modify the conceptual development plan for Phase B of the proposed joint development project such that it provides for:
- A. construction of 82 affordable apartments and 6,000 to 12,000 square feet of retail space;
 - B. closure of the existing north portal to the Westlake/MacArthur subway station and its adjoining, subterranean access; and
 - C. construction of a new subway portal at Westlake Avenue, all subject to appropriate operational approvals.

32. RECEIVED report on System Safety

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

34. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:
- A. **award a firm fixed price contract under Bid No. 13-0020 to North American Bus Industries, the lowest responsive and responsible bidder, for the procurement of 200 electric fan system units** for an amount not-to-exceed \$2,607,255 inclusive of sales tax; and
 - B. **exercise an option with North American Bus Industries to purchase up to 121 additional electric fan system units subject to availability of funding** for an amount not-to-exceed \$1,640,484 inclusive of sales tax.
35. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **award a 24-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 13-0019 to the following lowest responsive and responsible bidders for turbochargers for an amount not-to-exceed \$2,697,251 inclusive of sales tax and a one-year option:**

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- A. Performance Turbochargers, LLC for line item 1 (Turbocharger Asm. – Series 50G Gas) for a total contract value of \$1,350,605; and
 - B. Cummins Cal Pacific, LLC for line item 2 (Turbocharger Asm. – Engine, Cummins ISL) for a total contract value of \$1,346,646.
38. **APPROVED ON CONSENT CALENDAR the appointment of Sierra Madre City Councilmember John Harabedian to the Metro San Gabriel Valley Service Council.**
41. **AMENDED ON CONSENT CALENDAR Title 6, Chapter 6-05 of the LA County Metropolitan Transportation Authority Administrative Code,** otherwise known as the Metro Customer Code.
44. **APPROVED modifications for the I-405 Sepulveda Pass Improvements Project contract to:**
- A. **decrease to the Life of Project (LOP) budget of \$3.4 million to reflect reduced funding from the City of Los Angeles** for overlapping areas of the City’s Reversible Lane Project, decreasing the LOP budget from \$1,048 million to \$1,044.6 million;
 - B. accept \$26.1 million; for project enhancements from the State of California Proposition 1B Corridor Mobility Improvement Account, increasing the LOP budget from \$1,044.6 million to \$1,070.7 million; and
 - C. authorize the Chief Executive Officer to execute a Contract Modification to Contract No. C0882, with Kiewit Infrastructure West Company, to increase funding for Contract Schedule C Provisional Items in the amount of \$15 million increasing the Total Contract Value from \$828,151,774 to \$843,151,774, with no change in the LOP budget.

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

46. CARRIED OVER **HUIZAR MOTION** THAT the Board direct the CEO to underground the electric utility poles along Cesar Chavez Avenue as part of the Division 13 bus maintenance facility construction project to be funded under the existing LOP/contingency approved by the board.

FURTHERMOVE that the contingency be maintained at a minimum of 3% and if additional funding is needed outside the LOP/contingency report back to the board on additional funding sources.

53. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **award a contract under RFP# PS92402982 to AVI-SPL, the highest rated proposer, for the Boardroom Audio-Video System Upgrade** in an amount not-to-exceed \$974,000.

55. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to **award a 20-year revenue-generating contract to InSite Wireless, LLC the highest-rated, responsive and responsible proposer** to act as Neutral Host Provider for the Underground Cell Phone and Data Services Provider for a total minimum annual revenue guarantee of \$360,000. This amount is subject to a 3% annual escalation.

57. AMENDED ON CONSENT CALENDAR **Section 6.6 (Board Travel Expenses), Board Rules and Procedures of the Los Angeles County Metropolitan Transportation Authority.**

58. RECEIVED **Civil Rights Compliance Update.**

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

59. ADOPTED the following legislative position:

- A. **AB 160 (Alejo)** – would exempt from the Public Employees’ Pension Reform Act, by exempting from the definition of public retirement system, employer plans whose employees’ collective bargaining rights are protected by a specific provision of federal law. **NEUTRAL WORK WITH AUTHOR**; and

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

FAILED TO ADOPT the following legislative position:

- B. **SCA 4 (Liu) and SCA 8 (Corbett)** – would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires 55% approval. **SUPPORT**

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

60. APPROVED **KNABE, ANTONOVICH AND DUBOIS MOTION** that the MTA Board:

- ~~A. formally oppose the Los Angeles County Flood Control Districts Clean Water, Clean Beaches Measure;~~
- ~~B. direct staff to send in the completed protest forms for all properties owned by the MTA; and~~
- C. instruct staff to continue to work with the District to address the issues raised by the Measure.

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

61. APPROVED:

- A. authorizing the Chief Executive Officer to **finalize negotiations with the recommended banks and enter into reimbursement agreements and related documents for direct-pay letters of credit:**
 - 1. with Sumitomo Mitsui Banking Corporation ("Sumitomo") for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,135,000, including legal fees and other related expenses;
 - 2. with Union Bank for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,130,000, including legal fees and other related expenses;
- B. if unable to reach agreement with one or both of the recommended banks, authorizing the CEO to finalize negotiations with each successively ranked bank for agreements having three year terms and estimated costs; and
- C. adopting a resolution that approves the selection of Sumitomo and Union Bank or successor(s), a form of the reimbursement agreement on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.

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

62. CARRIED OVER **ANTONOVICH MOTION** that the MTA Board support the Mobility 21 Goods Movement Initiative and authorize the CEO to make the necessary financial contribution for MTA to be a funding partner.

63. **CLOSED SESSION:**

A. Public Employee Performance Evaluation – G.C. 54957
Chief Executive Officer

APPROVED a 2-year contract with two 1-year options.

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

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

1. Piratra Roongrawee v. LACMTA, Case No. BC 437204

APPROVED settlement of \$1,600,000.

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

2. Albert Barajas v. LACMTA, Case No. GC 048229

APPROVED settlement of \$225,000.

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

3. Ebrahim Setareh v. LACMTA, Case No. EC 054584

APPROVED settlement of \$435,000.

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

C. Conference with Labor Negotiator – G.C. 54957.6
Agency Representative: Richard Hunt
Employee Organizations: TCU, AFSCME

NO REPORT.

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D. Conference with Real Property Negotiator – G.C. 54956.8

1. Property Description: 405 and 407 E. Florence Ave,
Inglewood, CA
Agency Negotiator: Velma Marshall
Negotiating Party: Moses Unah
Under Negotiation: Price and terms

NO REPORT.

2. Property Description: 9320 - 9430 Bellanca Ave, Los Angeles,
CA
Agency Negotiator: Velma Marshall
Negotiating Party: NSHE Lebanon, LLC
Under Negotiation: Price and terms

NO REPORT.

3. Property Description: Parcel Nos.: RC-469, 470, 471,
477,486, 488, 489, 490:
Agency Negotiator: Velma Marshall
Negotiating Party: City of Los Angeles
Under Negotiation: Price and terms

NO REPORT.

E. Conference Regarding Potential Threats to Public Services and
Facilities - G.C. 54957:

While there may be no immediate threat, this is to provide the Board with a confidential update by Ruthe Holden, Chief Auditor, and Paul Taylor, Deputy Chief Executive Officer, on security related matters.

NO REPORT.

ADJOURNED at 2:03 p.m.

Prepared by: Deanna Phillips, Board Specialist