

# RECAP of Proceedings

## Regular Board Meeting Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

Called to Order at 9:32 a.m.

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### Directors Present

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Diane DuBois, Chair  
Michael Antonovich  
Mike Bonin  
Jacquelyn Dupont-Walker  
John Fasana  
Eric Garcetti  
Don Knabe  
Paul Krekorian  
Gloria Molina  
Ara J. Najarian  
Pam O'Connor  
Mark Ridley-Thomas  
Zev Yaroslavsky  
Michael Miles, non-voting member

### Officers

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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, 9, 10, 44, 15, 16, 17, 18, 42, 43, 44, 45, ~~52, 54~~ and 59.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	A	Y	A	Y	Y	Y	A	Y	A	Y	Y

*Consent Calendar items were approved by one motion except items 14, 52 and 54 which were pulled by a director for discussion.*

2. APPROVED ON CONSENT CALENDAR **Minutes of the Regular Board Meeting held June 27, 2013.**

3. RECEIVED Chair’s Report.

☞ ELECTED Director Garcetti as 1<sup>st</sup> Vice Chair and Director Ridley-Thomas as 2<sup>nd</sup> Vice Chair.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y

4. RECEIVED Chief Executive Officer’s Report.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
P	P	P	P	P	P	P	P	A	P	P	P	P

9. AMENDED ON CONSENT CALENDAR the FY14 budget to add \$125,000 of revenues and expenses to Metro Commute Services, cost center 7140, for the purpose of funding a **Rideshare Incentives Program to be implemented in conjunction with the MSRC “Rideshare Thursday” public awareness campaign.**

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JF = J. Fasana	ZY = Z. Yaroslavsky	MRT = M. Ridley-Thomas	MB = M. Bonin
PK = P. Krekorian	EG = E. Garcetti	AN = A. Najarian	
MA = M. Antonovich	DD = D. DuBois	GM = G. Molina	
PO = P. O’Connor	DK = D. Knabe	JDW = J. Dupont-Walker	

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

10. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to negotiate and award **excess liability insurance** policies with up to \$250 million in limits at a cost not to exceed \$3.65 million for the 12-month period effective August 1, 2013 to August 1, 2014.
11. AUTHORIZED extension of incumbents' contracts until Board acts in September. CARRIED OVER authorizing the Chief Executive Officer to **establish a bench of financial advisors** with each of the recommended firms in two categories as follows:
- A. Lead – KNN Public Finance, Montague DeRose, Public Financial Management
  - B. Projects – Backstrom McCarley Berry & Co., Fieldman Rolapp & Associates, Lamont Financial Services Corporation, Mazyck Advisors LLC and NW Financial LLC, Public Resources Advisory Group, Sperry Capital

These contracts will be for six years inclusive of two one-year options for a total amount not to exceed \$5,300,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	C	Y	Y	Y	Y	Y	Y	C

14. APPROVED AS AMENDED BY KNABE:
- A. awarding and executing a firm fixed price Contract No. PS13FSP71R for a period of 30 months to ACCU Construction, Inc. to provide landscape installation and maintenance services in support of the Metro **Freeway Beautification Project** for a fixed price of \$2,634,736; and
  - B. authorizing the CEO to execute individual contract modifications as required, but not to exceed a total of ~~15%~~ 10% of the total contract amount, to cover the cost of any unforeseen issues that may arise during the performance of the contract.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

15. APPROVED ON CONSENT CALENDAR:

- A. recertifying \$117.9 million in existing Fiscal Year (FY) 2013-14 commitments from previous **Countywide Call for Projects** and authorizing the expenditure of funds to meet these commitments;
- B. deobligating \$12.23 million of previously approved Countywide Call for Projects funding. Prioritizing 2013 and future deobligated dollars to fund the three previously approved County of Los Angeles Signal Call projects that were not near-term priorities per the 2011 Long Range Transportation Plan (LRTP) Transportation Improvement Program (TIP) Priority List:
  - 1. San Gabriel Valley Traffic Signal Corridors Project (#F3308);
  - 2. Gateway Cities Traffic Signal Corridors Phase VI Project (#F3309); and
  - 3. South Bay Traffic Signal Corridors Project (#F3310);
- C. authorizing the Chief Executive Officer (CEO) to:
  - 1. negotiate and execute all necessary agreements for approved projects; and
  - 2. amend the FY 2013-14 budget, as necessary, to include the 2013 Countywide Call for Projects Recertification and Extension funding in the regional Programs' budget;
- D. reprogramming funding for the City of Malibu – Malibu Bus Stop Improvements Along Pacific Coast Highway Project (#F5409) from FY 2014-15 and FY 2015-16 to FY 2013-14;
- E. approving changes to the scopes of work for the:
  - 1. City of Rancho Palos Verdes – Bike Compatible Roadway Safety Project (#F1506),
  - 2. City of San Gabriel – Las Tunas Drive Streetscape Enhancement Project (#F1804), and

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3. City of South Gate – I-710/Firestone Blvd. Interchange Reconstruction (#6347) funded through previous Call for Projects; and

F. receiving and filing time extensions for 80 projects.

16. **APPROVED ON CONSENT CALENDAR** the following **Los Angeles County actions regarding changes to the federal transit formula programs in FY13 and FY14 for MAP-21**, and as may be continued in future federal funding authorizations and appropriations:

- A. provide sub-allocation amounts for Section 5307 Urbanized Area Formula Grants Program funding, which now may be used to fund eligible Job Access and Reverse Commute (JARC) projects, and which is sub-allocated to the Los Angeles County transit operators and Metro Operations to the Southern California Association of Governments (SCAG);
- B. authorize Section 5307 funding recipients to establish their own processes for funding JARC-eligible projects at their individual discretion;
- C. pursue Designated Recipient status for the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program, which now may be used to fund New Freedom-eligible projects, and sub-allocate Program funding through a Call for Projects process;
- D. provide sub-allocation amounts for Section 5337 State of Good Repair Grants Program (High Intensity Motorbus) funding which is sub-allocated to the Los Angeles County transit operators and Metro Operations by using Federal Transit Administration (FTA) formulas to SCAG;
- E. provide sub-allocation amounts for Section 5339 Bus and Bus Facilities Formula Program funding that uses the existing capital allocation formula for the Los Angeles County transit operators and Metro Operations to SCAG; and

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- F. authorize the Chief Executive Officer to negotiate and execute Memoranda of Understanding (MOUs) or agreements with the Southern California Association of Governments, and other agencies, as necessary, to implement the recommended actions above.

17. APPROVED ON CONSENT CALENDAR:

- A. executing Contract Modification No. 1 to Contract No. PS4530-3052, **Improved Linkages to Gateway/Union Station (Linkages Study), with Cityworks Design to provide planning services for active transportation around the Little Tokyo/Arts District Regional Connector Station** for an additional term of three months in an amount not-to-exceed \$402,000, increasing the total contract value from \$499,333 to \$901,333; and
- B. approving Contract Modification Authority specific to Contract No. PS4530-3052, in the amount of \$100,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
					C							

18. APPROVED ON CONSENT CALENDAR:

- A. a **Model Construction Relations Program that has been deployed in support of all major transit projects commencing with the Orange Line;** and
- B. providing clear agency guidelines to aid in managing public expectations for the scope and breadth of project activities that may be conducted to address the rigors and impacts of construction as the projects proceed.

19.1 APPROVED **RIDLEY-THOMAS MOTION** that:

- A. Metro continue to investigate successful Business Loss Mitigation Programs in Seattle, Minneapolis and other metropolitan areas, and to catalog and evaluate specific programs that are proved to be successful.
- B. Metro shall work with the City of LA and the County of LA to explore possible funding for such a program if it is deemed feasible and seek public and private partnerships to facilitate in this effort.
- C. Prepare recommendations for a Small Business Loss Mitigation Fund specifically targeted to assisting small and locally-owned businesses along the Crenshaw/LAX Transit Corridor between 48<sup>th</sup> Street and 60<sup>th</sup> Street in Los Angeles.
- D. Report back to the Board in 60 days with these recommendations.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

31. AWARDDED a ten-year firm fixed rate contract, Contract No. OP133367106, to Clean Energy for the **Operation and Maintenance (O&M) services of Compressed Natural Gas fueling stations at Divisions 2, 8, 9 and 15** for an amount not-to-exceed \$24,958,700 effective August 1, 2013.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	C	Y	A	C	Y	Y	Y	A	Y	Y	Y

32. AWARDDED a 24-month, firm fixed price contract under Bid Number 13-0039 to the following lowest responsive and responsible bidder for **bus differentials** for an amount not-to-exceed \$4,346,606 inclusive of sales tax and a one-year option:
- A. Axletech for line items 1 (Oil Seal), 2 (Seal Assembly), and 6 (Hub Assembly w/Studs) for a total contract value of \$794,561;

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B. NABI for line items 3 (Hub Assembly Rear), 5 (Hub Assembly LH and RH), 7 (Axle Sleeve), 8 (Differential Assembly), 9 (Differential Assembly Carrier), 10 (Differential Assembly), 11 (Differential Assembly) for a total contract value of \$3,342,993; and

C. New Flyer for line item 4 (Hub Assembly) for a total contract value of \$209,052.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

33. AUTHORIZED the Chief Executive Officer to:

A. negotiate and execute a contract modification to Contract No. OP33202869 with New Flyer of America, Inc., in the not-to-exceed amount of \$3,500,000 for the **installation of upgraded ADA and enhanced safety provisions**; and

B. increase the Capital Life-of-Project (LOP) budget from \$304,942,450 to \$308,442,450 to reflect this \$3,500,000 modification.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

34. APPROVED:

A. **increasing the Life-of-Project (LOP) budget for the Light Rail Vehicle (LRV) Procurement (P3010)** by \$396,650,000 increasing the total LOP budget from \$342,350,000 to \$739,000,000. This allows the Chief Executive Officer to exercise Options 1 (28 vehicles for Crenshaw/fleet replacement) and 4 (69 vehicles for fleet replacement) of the P3010 contract as previously authorized; and

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B. amending and increasing the FY14 annual budget in cost center 3043 in the amount of \$36,632,173 for the mobilization costs associated with exercising Options 1 and 4 above.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	C	Y	Y	Y	Y	Y	Y	Y

35. APPROVED AS AMENDED ANTONOVICH MOTION that the CEO **communicate the latching of the gates timeline to the public through a communication plan** with a report back to the Board in 30 days.

**AMENDMENT** by Directors Yaroslavsky, O'Connor and Najarian that staff report back in 60 days on which Expo Phase I stations can be gated and a financial plan to implement installation of gates at those stations; and that staff report back on criteria for designing at-grade stations to accommodate gates, and what can be modified or changed in our existing criteria so that we can incorporate gates at all at-grade stations currently under design or in the planning stages.

**FASANA REQUESTED** ongoing quarterly reports.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y

41. RECEIVED AND FILED report responding to Antonovich and Najarian Motion on the **advancement of the new Metrolink Bob Hope Airport/Hollywood Way Station.**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

42. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute **multiple change orders in phases to Contract No. C0882, with Kiewit Infrastructure West Company**, for a total cumulative value not-to-exceed a credit of \$5.4 million, with no change to the LOP budget, to allow the existing Getty Center Drive on and off ramps to remain in their current configuration, decreasing the total contract value from \$833,396,479 to \$827,996,479.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
	C				C							C

43. APPROVED ON CONSENT CALENDAR a decrease to the Life of Project (LOP) budget by \$8 million to reflect **cancellation of Betterment work by the California Department of Transportation (Caltrans)** for maintenance and repair of existing Caltrans Drainage, decreasing the LOP budget from \$1,149.4 million to \$1,141.4 million.

44. AUTHORIZED CONSENT CALENDAR the Chief Executive Officer to:

- A. execute an 11-year cost-plus fixed fee contract plus two one-year options, Contract No. MC071, to Westside Extension Support Team (WEST) to provide **Construction Management Support Services (CMSS) for the Purple Line Extension Transit Corridor Project** in an amount not-to-exceed \$4,683,115 for the first year FY 14 Annual Work Program Funding; and
- B. establish Contract Modification Authority for 15% of the not-to-exceed contract award value and authorizing the CEO to execute individual Contract Modifications within the Board approved Contract Modification Authority.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
	C				C							C

45. AUTHORIZED ON CONSENT CALENDAR:

- A. an increase to the total contract value for Contract No. PS100800-2641 with MARRS Services, Inc., to provide **Construction Management Consultant Support Services for Bus Facilities Capital Projects** in an amount not to exceed \$3,100,000, increasing the total contract value from \$2,500,000 to \$5,600,000; and
- B. the Chief Executive Officer to execute individual Task Orders and Modifications within the Board approved contract value.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
					C							

52. ADOPTED the staff recommended positions on State Legislation:

- A. **AB 612 (Nazarian)** – Would require that for every intersection with a photo enforcement system, an additional one second be added to every yellow light interval. **OPPOSE**
- B. **SB 556 (Corbett)** – Would require that all government agencies that contract for services, include on the contracted personnel and equipment notifications that the personnel and equipment is not operated by a government employee. Would further specify that the notice shall be in the same font size and logo of the government agency. **OPPOSE UNLESS AMENDED**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

54. AUTHORIZED the Chief Executive Officer to amend the FY14 budget to add 38 Full Time Employees and \$1,000,000 for the transitioning of the **TAP Call Center and Reduced Fare Application Processing services from Xerox Services (formally Affiliated Computer Services [ACS]) to in-house at Metro** as a result of the legally binding arbitration decision.

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APPROVED Motion by Directors Garcetti and Dupont-Walker as amended by Antonovich that the MTA Board of Directors direct the CEO to take the following actions:

Customer Service:

- A. report back on MTA’s customer service complaint process, the estimated average response times, and recommendations to improve customer service responses using new technology methods;
- B. provide a detailed report on MTA’s special processes and accommodations for senior-citizens and disabled transit riders who are adapting to newly adopted technology;
- C. report back on the feasibility, with detailed costs, of installing an internet based customer “help-desk” at Union Station and other major transit stations;

Wireless Technology:

- D. provide a report on the status and implementation plan of the installation of “wireless” phone usage at all MTA bus and rail underground facilities, including Union Station;
- E. report on the feasibility including cost and timeline of implementing a wireless internet network on all MTA bus and rail lines similar to Amtrak “Wi-Fi” system;

Mobile Applications:

- F. report on the best practices for mobile applications that cover the following transit related functions:
  - 1. Ticketing and fare payments
  - 2. TAP enabled usage
  - 3. Traveler information technology for multi-modal transit travel

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Fares and Revenues:

G. provide a report on the feasibility of using TAP to maximize fare revenue;

Open Data:

H. report back on MTA’s current policy related to providing system data sets collected by MTA to third parties (including software developers) and the general public; and

I. report on Items A-H as part of a technology based investment strategy by the December 2013 MTA Board meeting.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

55. **APPROVED Knabe Motion to change the name of the Transit Mall station on the Metro Blue Line to “Downtown Long Beach Station.”**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

59. **AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to adopt the Biomethane Implementation Plan.**

60. **RECEIVED response to Najarian Motion regarding Caltrans and MTA’s roles and responsibilities as it relates to the 710 North EIR/EIS.**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
P	P	P	P	P	P	P	P	P	P	P	P	P

58. **CLOSED SESSION:**

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

1. Chris Bates v. LACMTA, Case No. NC 056009

AUTHORIZED settlement of \$5.5 million.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

2. Graciela de la Paz Hernandez v. LACMTA, Case No. BC 485342

AUTHORIZED settlement of \$500,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

3. Nicodemo Soto v. LACMTA, Case No. BC 491114

AUTHORIZED settlement of \$300,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

4. Today's IV, Inc. v. LACMTA, LASC Case No. BS 137540 and USDC Case No. CV 13-0378 JAK (PLAx)

NO REPORT.

5. Japanese Village Plaza, LLC v. LACMTA, LASC Case No. BS 137343 and USDC Case No. CV 13-0396 JAK (PLAx)

NO REPORT.

6. 515 and 555 Flower Associates, LLC v. LACMTA LASC Case No. BS 137271 and USDC Case No. CV 13-0453 JAK (PLAx)

NO REPORT.

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

1. Initiation of Litigation (One Case)

NO REPORT.

C. Conference with Real Estate Negotiator – G.C. 54956.8:

1. Property: 5730 Arbor Vitae Street, Los Angeles, CA (SW-0102) and 5740 Arbor Vitae Street (Parcel SW-010), Los Angeles, CA  
Agency Negotiator: Velma Marshall  
Negotiating Party: Avis Budget Car Rental, LLC  
Under Negotiations: Price and terms

NO REPORT.

2. Property: 7100 West Boulevard, Los Angeles, CA (HS-2702)  
Agency Negotiator: Velma Marshall  
Negotiating Party: Stewart and Shirley Oatman  
Under Negotiations: Price and terms

NO REPORT.

D. Conference with Labor Negotiator – G.C. 54957.6:

1. Agency Representative: Don Ott  
Employee Organizations: UTU, ATU, TCU & AFSCME

NO REPORT.

E. Public Employment – G.C. 54957:

1. Title: Inspector General

NO REPORT.

RECEIVED public comment.

ADJOURNED at 2:03 p.m. in memory of Kevin Woyjeck and Lillian Kawasaki.

Prepared by: Collette Langston, Board Specialist