RECAP of Proceedings

Regular Board Meeting Board of Directors

One Gateway Plaza 3rd Floor Board Room

Called to Order at 9:08 a.m.

Directors Present:

Eric Garcetti, Chair
Mark Ridley-Thomas, 1st Vice Chair
John Fasana, 2nd Vice Chair
Michael Antonovich
Mike Bonin
James Butts
Diane DuBois
Jacquelyn Dupont-Walker
Don Knabe
Sheila Kuehl
Ara J. Najarian
Hilda Solis
Carrie Bowen, non-voting member

Officers

Stephanie Wiggins, Interim Deputy Chief Executive Officer Michele Jackson, Board Secretary Karen Gorman, Acting Ethics Officer Karen Gorman, Inspector General County Counsel, General Counsel



1. APPROVED **Consent Calendar** Items: 2, 6, 7, 8, 18, 20, 21, 36, 38**, 44, 47, 49, 50, 51, 52, 61A, 61B, 61C-E, 61G, 61H, 62 and 63.

Consent Calendar items were approved by one motion except items 38**, 49, 50, 52, and 61B which were held by a Director for discussion and/or separate action.

^{**}Item requires 2/3 vote

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Α	A	Υ	Υ	Υ	Α	Υ	Α	Υ	Υ	Υ	Α	Υ

- 2. APPROVED ON CONSENT CALENDAR **Minutes of the Regular Board Meeting held March 26, 2015.**
- 3. RECEIVED Chair's Report.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 4. RECEIVED Chief Executive Officer's Report.
 - Crenshaw/LAX Stop Work Notice Update

APPROVED **Ridley-Thomas and Knabe Motion** that the Board directs the CEO to:

- A. audit the procurement process that led to the selection of Walsh-Shea;
- B. review the process by which the agency has incurred an expense of \$400,000 pursuant to the safety concerns and cause that to be the contractor's responsibility;

(Continued on next page)

MA = M. Antonovich	MB = M. Bonin	DD = D. DuBois	AN = A. Najarian
PK = P. Krekorian	JF = J. Fasana	JDW = J. Dupont-Walker	
JB = J. Butts	EG = E. Garcetti	HS = H. Solis	
SK = S. Kuehl	MRT = M. Ridley-Thomas	DK = D. Knabe	

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

(Continued from previous page)

- C. make this a high priority with a corrective action plan submitted no later than 30 days of new CEO Phillip Washington assuming full time responsibility or at the first Board meeting in which he is present, whichever day comes first;
- D. have all of this subject to review of Counsel and be prepared to explore what constitutes a potential breach of contract; and
- E. report back monthly at Construction Committee.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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6. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to purchase All Risk Property and Boiler and Machinery insurance policies for all property at the current policy limits at a not to exceed price of \$2.4 million for the 12-month period May 10, 2015 through May 10, 2016.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 7. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification:
 - A. No. 28 to Contract No. PS33201664 with Xerox State and Local Solutions (formally ACS State & Local Solutions) to continue hosting two TAP systems and network services at the Orange County Data Center (OCDC), both of which are due to end on June 30, 2015. This modification includes:
 - 1. the extension of the hosting support for the TAP system servers for an additional 8.5 months through March 2016 for a total of \$329,396; and

(Item 7 – continued from previous page)

- 2. the extension of the hosting support for the TAP Customer Relations Management (CRM) servers for an additional 2 months through August 31, 2015 for a total of \$235,860. This modification would increase the total contract value by \$565,256, from \$63,065,394 to \$63,630,650; and
- B. No. 123 to Contract OP02461010 Cubic Transportation Systems, Inc. in the amount not-to-exceed \$681,068, which includes:
 - 3. \$582,179 for the design/build of a new dual TAP virtual server and the decommission and removal of the outdated equipment from OCDC; and
 - 4. \$98,889 for continued support of the bi-annual Metro IT disaster recovery drills through June 30, 2019. This modification will increase the total contract value from \$252,854,827 to \$253,535,895.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 8. ADOPTED ON CONSENT CALENDAR:
 - A. the **debt policy**; and
 - B. the **Interest Rate Swap Policy**.
- 18. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to negotiate a **Programming/Funding Agreement with Caltrans to program an additional \$10,279,000 for the I-10 High Occupancy Vehicle Lanes Project from Citrus Avenue to SR-57.**
- 20. APPROVED ON CONSENT CALENDAR:
 - A. supporting Southern California Association of Governments' Draft 2015 Active Transportation Program (ATP) Regional Project Selection Process; and

(Item 21 – continued from previous page)

B. approving the use of 2014 ATP policy for applying up to 10 points to ATP applications to reflect consistency with regional and local plans for the 2015 ATP.

21. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to negotiate and execute Joint Development, Construction and Funding Agreement and Reciprocal Easement Agreement and such other documents necessary to effectuate the transaction, consistent with the Term Sheet, with NREA-TRC 700 LLC, a Delaware limited liability company, ownership entity of The Bloc or its designee for the design, construction, operation, maintenance and funding of a pedestrian passageway between 7th Street/Metro Center Station, consistent with the Term Sheet:
- B. authorizing the Life of Project (LOP) Budget of \$4,650,000 for The Bloc/Metro Connection; and
- C. amending the FY2016 proposed budget by adding \$4,250,000, as a portion of the LOP Budget approved on item (B).
- 24. APPROVED the revised **Motion by Bonin, Garcetti and Kuehl** that the Board direct the CEO to report back at the Planning and Programming meeting with a preliminary analysis of the opportunities and challenges of implementing an off-board fare payment program and/or all door boarding to support our Countywide BRT expansion, using industry best practices in technology, station design and enforcement as a guide.

FURTHER that the Board direct the CEO to undertake an applied study using the Wilshire Boulevard BRT corridor or other appropriate corridors as an opportunity to fully assess the practical challenges and opportunities. The study should include, but not be limited to:

A. The impact of off board fare payment and all door boarding policy on bus dwell time, passenger convenience, and fare evasion;

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- B. Guidelines and criteria for off board fare payment and all door boarding, including options for payment systems, requirements for right of way and utilities for each option, capital cost and ongoing support for each (i.e. maintenance, revenue collection, fare enforcement, etc.);
- C. Cost/benefit analysis of implementing a program;
- D. Impacts to pedestrian accessibility and circulation;
- E. Station design, technology enhancements and enforcement;
- F. Recommendations on thresholds of ridership and/or boardings at specific stop locations that could benefit from off-board fare payment and/or all door boarding; and
- G. Consideration of bus stop locations with right-of-way characteristics that are highly constrained and those with more ample space.

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28. RECEIVED AND FILED Office of the Inspector General's report on the review of Law Enforcement and Security Options.

APPROVED **Butts Motion** that the Board instruct the Inspector General to move forward and implement the recommended Next Steps as described in the report and initiate the procurement of a qualified outside consultant.

Further move that Metro staff and Sheriff report back to the Ad Hoc Transit Policing Oversight Committee in June on these issues; specifically in regards to:

- A. An update of the Transit Security Officers Equipment issues;
- B. The process of the discussions with the Sheriff as they pertain to an MOU under PC 830.7(e); and

(Item 28 – continued from previous page)

C. The procurement of an outside consultant for the implementation of the next steps recommended in the I.G.'s report.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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36. APPROVED ON CONSENT CALENDAR the Chief Executive Officer to increase Contract Modification Authority to Contract No. PS11643055 with the Sheridan Group to provide **space planning**, **workstation acquisitions**, **installation services**, **and furniture** from \$500,000 to \$1,500,000 for an increase of \$1,000,000.

37. APPROVED:

- A. increasing the Life-of-Project Budget (LOP) for the **Light Rail Vehicle Procurement (P3010)** by \$263,000,000, increasing the
 LOP budget from \$709,000,000 to \$972,000,000. This allows the
 Chief Executive Officer to exercise Options 2 (39 Vehicles) and 3 (21
 Vehicles) of the P3010 contract as previously authorized; and
- B. amending and increasing FY16 annual budget in Cost Center 3043 in the amount of \$10,000,000 for the mobilization costs associated with exercising Options 2 and 3.

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38. APPROVED BY TWO-THIRDS VOTE:

A. finding that a new bus procurement under Public Utilities Code §130232, lowest responsible bid requirement, does not consititue an adequate procurement method for LACMTA's needs. The Board, pursuant to Public Contracts Code (PCC) §20217, hereby authorizes the procurement of up to 600 new replacement 40' CNG transit buses by competitive negotiation; and

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B. authorizing the Chief Executive Officer to solicit a Best Value Request for Proposals for contracts to purchase new 40' CNG buses as competitive negotiations pursuant to PCC §20217 and LACMTA's Procurement Policies and Procedures.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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40. RECEIVED oral update on clean fuel and biomethane utilization efforts, sustainability and conservation.

APPROVED Motion by Garcetti, Knabe, Ridley-Thomas, DuBois and Dupont-Walker as revised that the CEO:

- A. Report back on current LCFS market conditions and identify opportunities to maximize revenue opportunities that can be used for operations and maintenance needs;
- B. Hire experts to advise the agency on how to best monetize the credits in a way that maximized revenues and minimize risk; the experts should have the following minimum qualifications:
 - 1. Successful sale of LCFS credits to credit buyers;
 - 2. Successful sale of LCFS credits with a minimum aggregate value of \$5 million;
 - 3. Experience working with the California Air Resources Board on LCFS administration and implementation;
 - 4. Experience working with low carbon furl producers on marketing, distribution and credit monetization from the sale of low carbon fuels in California;
- C. Adopt as policy that all monetized credits be used for all bus and rail maintenance and operations needs <u>and sustainability related</u> <u>infrastructure</u>; and
- D. Report back with an update on the above by July 2015. (Continued on next page)

(Item 40 – continued from previous page)

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 43. CARRIED OVER authorizing the Chief Executive Officer (CEO) to execute a cost-plus-fixed-fee Contract No. PS2415-3412 with STV, Inc. for the Brighton to Roxford Double Track Project in the amount of \$13,594,016, inclusive of all design phases. This contract is for a base of three years.
- 44. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer execute a Contract Modification for Contract OP02461010 for the fare retrieval system at the Division 13 Bus Operations and Maintenance Facility with Cubic Transportation Systems, Inc., in an amount of \$99,401, increasing total value of the contract from \$252,854,827 to \$252,954,228.

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- 47. AUTHORIZED ON CONSENT CALENDAR Contract Modification:
 - A. No. 14 (a.k.a. Contract Change Order, CCO 14) by Caltrans for Segment 3 construction contract of the I-5 North Capacity Enhancements from SR-134 to SR-118 under the Funding Agreement No. MOU.P0008355/8501 A/A5 in the amount of \$1,920,800 without an increase in the project budget;
 - B. No. 39 (a.k.a. Contract Change Order, CCO 39) by Caltrans for Segment 3 construction contract of the I-5 North Capacity Enhancements from SR-134 to SR-118 under the Funding Agreement No. MOU.P0008355/8501 A/A5 in the amount of \$850,000 without an increase in the project budget; and

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- C. No. 60 (a.k.a. Contract Change Order, CCO 60) by Caltrans for Segment 3 construction contract of the I-5 South HOV Widening from I-605 to Orange County Line under the Funding Agreement No. MOU.P0004292 A/A2 in the amount of \$3,500,000 without an increase in the project budget.
- 48. AUTHORIZED on a month to month basis until the incoming Chief Executive Officer can review the contract execution of Contract Modification:
 - A. No. 6 to Contract No. PS-2020-1055 with Geoffrey R. Martin for the continuation of **Tunnel Advisory Panel Services**, in an amount not-to-exceed \$28,915 per month; \$1,039,000, increasing the total contract value from \$1,201,000 to \$2,240,000 and extend the contract from July 1, 2015 to June 30, 2020;
 - B. No. 4 to Contract No. PS-8510-2416 with Harvey Parker and Associates, Inc. for the continuation of Tunnel Advisory Panel Services, in an amount not-to-exceed \$28,915 per month; and \$1,142,900, increasing the total contract value from \$1,525,000 to \$2,667,900 and extend the contract from July 1, 2015 to June 30, 2020; and
 - C. No. 2 to Contract No. PS-8510-2493 with Cording, Dr. Edward J. for the continuation of Tunnel Advisory Panel Services, in an amount not-to-exceed \$28,915 per month. \$1,142,900, increasing the total contract value from \$1,225,000 to \$2,367,900 and extend the contract from July 1, 2015 to June 30, 2020.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 49. APPROVED UNDER RECONSIDERATION authorizing the Chief Executive Officer to:
 - A. award and execute a five (5) year contract, Contract No. PS84203245, to **Tetra Tech for Sustainability Water Conservation, Solid Waste and Recycling services** on Task Orders, inclusive of three base years with an initial amount not-to-exceed \$5,300,000; and
 - B. individual Task Orders and changes within the Board approved contract amount.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 50. APPROVED UNDER RECONSIDERATION authorizing the Chief Executive Officer to:
 - A. award and execute a five (5) year contract, No. PS84203244, to TRC Solutions, Inc. for **Sustainability Energy Efficiency and Renewable Energy services** on Task Orders, inclusive of two base years with an initial amount not-to-exceed \$6,400,000; and
 - B. to execute individual Task Orders and changes within the Board approved contract amount.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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51. APPROVED ON CONSENT CALENDAR:

- A. approving an increase in Life of Project (LOP) Budget for Capital Project (CP) 204122 Metro Orange Line (MOL) to Metro Red Line (MRL) North Hollywood Pedestrian Underpass in the not to exceed amount of \$1,077,401 increasing the LOP from \$22,000,000 to \$23,077,401 to provide three (3) new Ticket Vending Machines (TVMs), implement new ADA compliant fare gates and reconfigure/reinstall the existing fare gates, and for the overall construction management services, for the new MRL-MOL North Hollywood West Entrance underpass project.
- B. authorizing the Chief Executive Officer to execute Contract Modification No. 126 for Contract OP02461010 with Cubic Transportation Systems, Inc. in an amount of \$577,401, increasing the total value of the contract from \$252,854,827 to \$253,432,228.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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52. APPROVED UNDER RECONSIDERATION:

- A. authorizing the Chief Executive Officer to execute Contract Modification No. 3 to Contract C1056, **Advanced Utility Relocations (Wilshire/La Cienega Station)** with Steve Bubalo Construction Co. for additional compensation to comply with the requirements of the City of Beverly Hills (COBH), as identified in the executed Memorandum of Agreement (MOA), for all work being done within the jurisdiction of the COBH in the amount of \$1,983,179, increasing the total contract value from \$20,250,000 to 22,233,179; and
- B. approving an increase in Contract Modification Authority to Contract C1056 to provide funding to implement the changes required by the COBH Memorandum of Agreement approved by the Board on October 23, 2014, in the amount of \$1,983,179, increasing the current CMA from \$2,025,000 to \$4,008,179.

MA	PK	В	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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54. RECEIVED AND FILED status on the **Project Labor Agreement and Construction Careers Policy programs on the Crenshaw/LAX Transit Corridor and Regional Connector Transit Corridor projects** for activity through the February 2015 reporting period.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 61. ADOPTED ON CONSENT CALENDAR staff recommended positions:
 - A. AB 620 (Hernandez) Metro ExpressLanes OPPOSE
 - C. AB 755 (Ridley-Thomas) Tax Relief for Businesses Impacted by Transit Project Construction **SUPPORT**
 - D. AB 1265 (Perea) Public Private Partnerships Sunset Extension –SUPPORT
 - E. SB 391 (Huff) Increased Penalties for Assaults Against Transit Employees **SUPPORT**
 - G. SB 767 (De Leon) Metro's Sales Tax SUPPORT
 - H. AB 914 (Brown) San Bernardino County Express Lanes -SUPPORT
- 61. CARRIED OVER UNDER RECONSIDERATION staff recommended position:
 - B. AB 726 (Nazarian) Higher Capacity Buses on the Metro Orange Line **SUPPORT**
- 61. ADOPTED staff recommended position:
 - F. SB 413 (Wiekowski) Transit System Usage Violations **WORK WITH AUTHOR**

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 62. AUTHORIZED ON CONSENT CALENDAR Metro to participate in the City of Los Angeles Community Broadband Network RFP (also known as CityLinkLA).
- 63. APPROVED ON CONSENT CALENDAR the salary range (\$270,358 \$329,846 \$389,313) of the Interim Deputy Chief Executive Officer.
- 68. APPROVED **Motion by Directors Butts and DuBois** that the Metro Board instruct the Metro legislative advocacy staff and advisors to include Metro support of the Railroad Infrastructure Financing Improvement Act (RIFIA) (S.797) among the Metro federal legislative priorities and report back to the Board on this issue on a regular basis.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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- 70. APPROVED **Motion by DuBois and Knabe** that:
 - A. staff work collaboratively with the South Coast AQMD, the Gateway Cities and South Bay Councils of Governments to structure a competitive application in support of the ZE Drayage Demonstration and;
 - B. instruct staff to explore generating a 25% match through Department of Transportation, Department of Energy, in-kind funds from project participants, Regional and Local funds.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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71. RECEIVED oral report on the **Low Income Program relating to Metro ExpressLanes**.

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72. AUTHORIZED the Chief Executive Officer to negotiate and execute Contract Modification No. 10 to Contract No. C0980, with Regional Connector Constructors, for Additional Utility Relocation for the Regional Connector Transit Project Corridor Project, in a not-to-exceed amount of \$27,100,000, increasing the Total Contract Price from \$962,646,995 to \$989,746,995. This action does not increase the Life-of-Project Budget.

MA	PK	В	SK	MB	F	EG	MRT	DD	JDW	HS	DK	AN
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73. APPROVED BY TWO-THIRDS VOTE:

- A. holding a public hearing on the proposed **Resolution of Necessity** for the Regional Connector Transit Corridor Project; and
- B. adopting the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire aboveground temporary construction easements for monitoring of subsurface grout pipe installations, and temporary construction easements to install, monitor and remove surface and ground movement instruments in a portion of Parcels RC-450, RC-451, RC-451-1 (APN's 5161-017-021; 5161-017-022, 5161-017-023 and 5161-017-033).

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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74. RECEIVED update on **Motion 55: Safe Space and Sexual Harassment.**

APPROVED **Knabe Motion** that the CEO report back during May to the System Safety, Security and Operations Committee and to the full Board on:

A. A plan to install additional operator safety enclosures and video monitors on more Metro buses to further deter crime and lewd behavior on our buses, and

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B. Report on changes to the Code of Conduct that can be considered bythe Board to deter lewd behavior and sexually harassing behavior, with language that also allows law enforcement personnel to remove the harassers from Metro buses, rail and facilities.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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75. RECEIVED AND FILED:

- A. report on Metro's efforts in support of the **2015 Special Olympic World Games**; and
- B. authorized the CEO to provide TAP cards loaded with passes for 12,000 volunteers for the 2015 World Games and 100,000 commemorative TAP cards.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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77. APPROVED **Antonovich Motion** that the MTA Board directs the CEO to program \$2.5 million in Metrolink-dedicated funding to support the Antelope Valley Line Fare Reduction Pilot Program for Fiscal Year 2016.

MA	PK	В	SK	MB	F	EG	MRT	DD	JDW	HS	DK	AN
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76. CLOSED SESSION:

- A. Conference with Legal Counsel Existing Litigation G.C. 54956.9(d)(1):
 - 1. Jorge Cardenas v. LACMTA, LASC Case No. BC527397

APPROVED settlement of \$250,000.

MA	PK	В	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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2. Francisca Serrano v. LACMTA, LASC Case No. BC507827

APPROVED settlement of \$350,000.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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Glenville S. Witter, Jr. v. LACMTA, et al, USDC Case No. 2:14-CV-09610

NO REPORT.

B. <u>Conference with Labor Negotiator – G.C. 54957.6:</u>
Agency Designated Representative: Don Ott or designee
Employee Organizations: SMART, ATU, TCU, AFSCME and
Teamsters

NO REPORT.

- C. Conference with Real Property Negotiator G.C. 54956.8:
 - Property Description: 416-422 E. First Street, Los Angeles, CA 90012

Agency Negotiator: Carol Chiodo Negotiating Party: Enrique Ramirez Under Negotiation: Price and Terms

APPROVED settlement of tenant claims for parcels RC-464 and RC-465.

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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(Item 76 - continued from previous)

2. Property Description: 9430 Wilshire Blvd., Beverly Hills, CA

Agency Negotiator: Velma C. Marshall

Negotiating Party: Douglas Chrismas, dba Ace Gallery Los

Angeles

Under Negotiation: Price and Terms

APPROVED negotiation for the acquisition of the fee simple interest in real property W-3003 (9430 Wilshire Blvd in Beverly Hills).

MA	PK	JB	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
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