

Agenda

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Call to Order

Directors

Frank Roberts, Chair
James Hahn, 1st Vice Chair
Gloria Molina, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
Don Knabe
Tom LaBonge
Martin Ludlow
Pam O'Connor
Beatrice Proo
Zev Yaroslavsky
Ron Wong, non-voting member

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



Metropolitan Transportation Authority

Metro

1. APPROVE Consent Calendar Items: 2, 6, 7, 8, 10, 15, 16, 17, 23, 24, 40, and 41.

CONSENT CALENDAR

2. APPROVE [Minutes of Regular Board Meeting held October 28, 2004](#).

6. PLANNING AND PROGRAMMING AND FINANCE AND BUDGET COMMITTEES RECOMMENDED (3-1-0):
 - A. receiving and filing the [FY05 Ten-Year Forecast](#); and
 - B. directing the Chief Executive Officer to:
 1. establish a rainy day reserve to be used for unforeseen operating shortfalls such as fuel price spikes or ridership declines;
 2. develop guidelines for the use of the reserve and recommend an appropriate amount to be funded from currently unreserved general fund balances;
 3. propose alternatives to improve the farebox recovery ratio to be consistent with major metropolitan transit service providers;
 4. propose methods for combining the Formula Allocation Procedure (FAP) and the expiring Municipal Operator Service Improvement Program (MOSIP); and
 5. initiate the process to update the Long Range Transportation Plan (LRTP) priorities.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. authorizing the Chief Executive Officer to execute Funding Agreements with Orange County Transportation Authority (OCTA), Riverside County Transportation Commission (RCTC), Ventura County Transportation Commission (VCTC), San Bernardino Associated Governments (SANBAG), Southern California Association of Governments (SCAG) and Caltrans Districts 7, 8, 11 and 12 to develop the [Multi-County Goods Movement Action Plan](#);

- B. directing the Chief Executive Officer to utilize the Transportation Planning Bench to advertise and procure a contract(s) for specialized consultant expertise for the Multi-County Goods Movement Action Plan based on the draft task outline for an amount not to exceed \$1.275 million, with the understanding that a combination of LACMTA, OCTA, SANBAG, RCTC, VCTC, SCAG and Caltrans staff resources will be used in addition to the consultant effort; and
 - C. receiving and filing initial list of Los Angeles County Goods Movement projects from LACMTA's TEA-21 reauthorization list to be included in a multi-county goods movement effort to seek new funding sources.
8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
- A. approving a request from the City of Santa Monica for \$30 million from its Transportation Development Act (TDA) Capital Rail Reserve, so that it may purchase right-of-way parcels in advance of construction of a **potential future Downtown/Civic Center terminus station for the Metro Exposition Transit Corridor**. Approval is subject to Santa Monica maintaining the purchased property for transit-related use until the terminus station is constructed; and
 - B. amending the Fiscal Year (FY) 2004-05 Budget to include expenditures and revenues of \$30 million of TDA Capital Rail Reserve funds for payment to Santa Monica.
10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-2-0)
 APPROVING PAGE TWO OF LABONGE MOTION that the MTA Board support **federal legislation that lifts the prohibition of the use of federal funds for the planning, designing, and constructing or operating a subway** within the boundaries of Robertson Boulevard to Beverly Boulevard, Oakwood Avenue to La Brea Avenue; La Brea to Melrose Avenue; Melrose Avenue to Rossmore Avenue; Rossmore Avenue to Eighth Street; La Brea Avenue to Olympic Boulevard; Olympic Boulevard to San Vicente Boulevard; San Vicente Boulevard to Third Avenue; and

Further that the MTA Planning Department staff analyze the appropriateness of removing any of the restrictions on the use of transportation sales tax revenues for planning, designing and construction of any new subway in some or all transit corridors; and that staff, as part of this assessment, analyze the financial implications of any changes to transportation sales tax revenues on the capacity of the MTA to develop light rail and other non-subway transit projects serving all areas of the County, including the impact on the timing of approved or prioritized mass transit projects in Los Angeles County.

15. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) adopting the proposed **2005 Federal, State, Local and Regional Legislative Program**.
16. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) approving revisions to the **Records Retention Schedule**.
17. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-1-0) authorizing the Chief Executive Officer to execute a 10-year revenue contract with Transit Television Network (TTN) to install, operate, maintain, and sell **advertising on a passenger information system** (consisting of small video screens on the bus fleet) in exchange for a minimum annual payment of \$100,000 or ten percent of gross advertising revenues, whichever is greater.
23. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) awarding a non-competitive contract to MBIA MuniServices Company (MMC) for **sales tax audit, forecasting, and revenue recovery services** for three years, with two one-year options.

Audit and revenue recovery services are on a contingency basis at the following rates:

<u>Recoveries</u>	<u>Fee %</u>
Under \$6M	23%
\$6M-20M	17%
Over \$20M	11%

Forecasting services are at a fixed cost of \$6,250 per quarter for the first year, adjusted annually by an amount equal to the local Consumer Price Index, for an amount not to exceed \$135,000 for the full five-year period.

24. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a seven-year contract to Milliman, Incorporated, the technically acceptable lowest bidder, for **actuarial analysis and valuation services** for an amount not to exceed \$412,000, inclusive of two two-year options, effective January 3, 2005.

40. OPERATIONS COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to:
- A. accept **security grants** for a total of \$2.3 million:
 - 1. \$1.5 million from the federal Department of Homeland Security (DHS), and
 - 2. \$795,280 from the state DHS; and
 - B. amend the FY05 budget to reflect the increase in revenues and expenditures.
41. OPERATIONS COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP-39201540 with Villa Ford, the lowest responsive and responsible bidder for 15 **Crown Victoria security sedans** for an amount not to exceed \$324,750 inclusive of sales tax.

NON-CONSENT

3. Chair's Report

Adjourn in memory of Esther Smicklas, mother of Board Member, Pam O'Connor.

4. Chief Executive Officer's Report

45. APPROVE Board certification of the **revised final environmental impact report (revised FEIR) for the San Fernando Valley East-West Transit Corridor** and the full bus rapid transit alternative (Orange Line) as the project.
46. AUTHORIZE the Chief Executive Officer to execute a Delay Mitigation Agreement to Contract No. C0675 Design/Build with Shimmick Construction Co., Inc./Obayashi Corp., J.V. (SOJV) to **recover schedule delays and settle time related claims in lieu of compensable time extensions for the Metro Orange Line Project** for an amount not to exceed \$7.9 million. This recommendation is made contingent upon the Board taking action to again adopt the Orange Line project as the preferred alternative when the revised environmental impact report is presented to the Board for consideration. If the Board does not select the Orange Line as the preferred alternative, the recommendation herein will be withdrawn from the agenda and not considered.

CARRIED OVER FROM OCTOBER BOARD MEETING

22. FINANCE AND BUDGET COMMITTEE FORWARDED TO FULL BOARD WITHOUT RECOMMENDATION amending the FY05 Budget to transfer:
- A. General Fund Unreserved Designated funds to the Enterprise fund to recognize the **projected FY05 Fare Revenue shortfall** of \$9 million for Bus Operations; and
 - B. Proposition C 40% funds to the Enterprise fund to recognize the projected FY05 Fare Revenue shortfall of \$11 million for Rail Operations.
25. FINANCE AND BUDGET COMMITTEE FORWARDED TO FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICT AND ABSENCES authorizing the Chief Executive Officer to award a seven-year, fixed fee Contract No. PS-5310-1573 to Aon Risk Services, Inc. for **Insurance Brokerage Services** in the amount of \$2,728,859, inclusive of two one-year options, effective January 1, 2005.
28. FORWARDED TO FULL BOARD WITHOUT RECOMMENDATION DUE TO CANCELLATION OF CONSTRUCTION COMMITTEE MEETING authorizing the Chief Executive Officer to execute Contract Modification No. 41.00 to Contract No. C0675 Design/Build with Shimmick Construction Co., Inc./Obayashi Corp., J.V. to add **Rubberized Asphalt Concrete pavement along selected segments of the busway** in the amount of \$726,619 and to delete Asphalt Concrete or Portland Cement Concrete pavement in the credit amount of \$587,639, with a net value of \$138,980.
29. FORWARDED TO FULL BOARD WITHOUT RECOMMENDATION DUE TO CANCELLATION OF CONSTRUCTION COMMITTEE MEETING, **as revised**, authorizing the Chief Executive Officer:
- A. to negotiate and execute a five-year labor-hour Contract No. EN073 to TRC Solutions, Inc. for **Environmental Engineering Services** on Task Orders, inclusive of two one-year options with an initial amount not to exceed \$3.6 million for the first two years. Should staff be unable to conclude negotiations with TRC, staff requests authority to negotiate with the next most qualified proposer; and
 - B. upon successful completion of negotiations: to execute all individual Task Orders and changes within the Board approved contract value.
38. OPERATIONS COMMITTEE FORWARDED TO FULL BOARD receiving and filing of the report on **debris and rubbish issues on the Union Pacific's Right-of-Way** adjacent to Metro's Blue Line Right-of-Way.

39. OPERATIONS COMMITTEE RECOMMENDED (5-0) approving PROO SUBSTITUTE MOTION to extend the [existing contract with Spear Technologies](#) through January 2005:
- A. ~~increasing the Life of Project budget by \$4.53 million for the **Maintenance and Materiel Management System** from \$28.80 million to \$33.33 million, including \$100,000 of additional contingency, due to cost increases in additional equipment, extension of the vendor contract and additional labor resulting from the schedule extension;~~
 - B. ~~amending the FY05 budget to 1) transfer \$1.5 million of expenses and revenues from the Enterprise Fund to the Capital Fund due to the additional labor resulting from the schedule extension; and 2) increase revenues and expenditures by \$3.03 million; and~~
 - C. ~~authorizing the Chief Executive Officer to execute Modification No. 7 to Contract No. PS 9240 1264 with Spear Technologies to extend the schedule associated with the acquisition and implementation of a Maintenance and Materiel Management System for a period of five months for a firm fixed price of \$1,126,191, increasing the total contract value from \$20,836,322 to \$21,962,513.~~
43. APPROVE the [following nominees for membership on the South Bay Sector Governance Council](#):
- John McTaggart: Former elected official and former MAX Board member (re-appointment).
 - Lou Mitchell: Watts-L.A. Neighborhood Council and transit user (re-appointment).
 - John Addleman: Rolling Hills Estates Councilmember, (new appointment, nomination submitted by P.V. Transit).
44. AUTHORIZE the Chief Executive Officer to enter into a **six-month Exclusive Negotiation Agreement (ENA) with C. Chavez/Soto, LLC** for the development of approximately 3.5 acres of Metro-owned properties located in the proximity of the intersection of Cesar Chavez Blvd. and Soto St.
- CARRIED OVER FROM OCTOBER BOARD MEETING
27. FORWARDED TO FULL BOARD WITHOUT RECOMMENDATION DUE TO CANCELLATION OF CONSTRUCTION COMMITTEE MEETING receiving and [filing the ordinance establishing procedures for processing construction change orders.](#)

47. APPROVE the **FY05 Budget total expenditure plan** of \$2.950 billion.
48. **BURKE AND YAROSLAVSKY MOTION** that a **final reconciliation budget** be annually presented to the MTA Board for approval before the final budget book is published.
49. CONSIDER:
 - A. approving **reconciliation of actual salaries**, effective March 1, 2004 through July 2, 2004, of twenty-three (23) non-contract positions that exceed the estimated average salaries attached to the FY05 Budget Board Report; and
 - B. ratifying salaries of twelve (12) non-contract positions, effective July 2, 2004 through November 30, 2004 that exceed the FY05 estimated average salaries.
50. HAHN MOTION that the MTA Board of Directors direct staff to:
 - A. implement the **Hollywood-Fairfax-Pasadena Metro Rapid line** as originally planned; and
 - B. return to the Board in January 2005 with an update on this line, including its performance and support of the ridership statistics provided by the MTA Planning group during the planning of this line.
51. AUTHORIZE the Chief Executive Officer to **discontinue the Holiday Celebration Free Fare Program on December 24 and December 31** thereby maintaining the regular fare structure in effect between 9:00 PM and 5:00 AM for Metro buses and 9 PM until approximately 1 AM for all Metro Rail Lines on Christmas and New Year's Eves.

CLOSED SESSION:

18. A. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9 (a):
 - 1) Quiroz v. MTA GC028545
 - 2) Estrada v. MTA GC029338

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation – Chief Executive Officer

Public Employee Performance Evaluation – All positions filled from July 2003 through November 2004 by promotion, demotion, transfer, or appointment.

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

Agency Negotiators: Roger Snoble and Brenda Diederichs
Employee Organizations: ATU, UTU, TCU

42. Conference with Real Property Negotiators Concerning Price and/or Terms of Payment – G.C. 54956.8 – Division 10 Expansion Project

Negotiator: Velma Marshall

Parcel No.	Owner	Address
WI-100	Arnold W. & Ruth Carlson, Trustees of the Arnold & Ruth Carlson Family Trust	Bounded by Mission Road to the NW, Golden State (5) freeway to the NE, San Bernardino (10) freeway to the SE, Cesar Chavez Ave. to the SW

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.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION