

Agenda

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Call to Order

Directors

Antonio Villaraigosa, Chair
Gloria Molina, 1st Vice Chair
Pam O'Connor, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Don Knabe
Bonnie Lowenthal
Bernard Parks
Frank Roberts
Zev Yaroslavsky
Doug Failing, 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



Metro

Los Angeles County
Metropolitan Transportation Authority

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for up to 5 minutes per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary prior to the start of the meeting.

The public may also address the MTA on non-agenda items within the subject matter jurisdiction of the MTA during the public comment period, which will be held at the end of each meeting. Each person will be allowed to speak for one minute and may speak no more than once during the Public Comment period. Public Comment will last a maximum of 30 minutes, or as otherwise indicated by the Chair. Speakers will be called according to the order in which the speaker request forms are received until the Public Comment period has expired. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

At the discretion of the Chair, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

ADA REQUIREMENTS

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

HELPPFUL PHONE NUMBERS

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)
General Information/Rules of the Board - (213) 922-4600
Internet Access to Agendas - www.mta.net
TDD line (800) 252-9040

NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

1. APPROVE Consent Calendar Items: 2, 5, 7, 11, 12, 17, 27, 28**, and 29.

**REQUIRES 2/3 VOTE OF THE BOARD

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held September 29, 2005.

5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a firm fixed price design-build Contract Number C0729 to D.W. Powell Construction, Inc., for design and construction of **Soundwalls on State Route 134** between Louise Street and Harvey Drive in the City of Glendale, in the amount of \$9,777,000.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer or his designee to execute Memoranda of Understanding (MOUs) with service providers administering the **Immediate Needs Transportation Program (INTP)**, the **General Relief Token Program (GRTP)** and the **Support for Homeless Re-Entry Program (SHORE)** for up to five years. Such authorization is subject to the following:
 - A. Future year funding of these programs will be subject to the availability of funds and approval from the Board of the Directors through the Metro budget process.
 - B. Metro staff will implement the recommendations of an INTP evaluation that will be presented to the Board once completed.
 - C. Funding will be provided as follows and as approved by the Board of Directors in the FY 05 and FY 06 Metro Budgets:
 1. Immediate Needs Transportation Program
Provider: First African Methodist Episcopal Church
FY 06 Budget amount: \$2,500,000

2. Immediate Needs Transportation Program
Provider: International Institute of Los Angeles
FY 06 Budget amount: \$2,500,000
3. General Relief Token Program
Provider: Los Angeles County Department of Public Works
FY 05 and FY 06 Budget Amount: \$700,000 annually
4. Support for Homeless Re-Entry
Grantee: Shelter Partnership, Incorporated
FY 05 and FY 06 Budget Amount: \$350,000 annually

11. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0):

- A. authorizing the Chief Executive Officer to negotiate the terms of and execute documents necessary to complete a **defeased lease transaction covering the Qualified Technological Equipment** with Bank of America Leasing & Capital;
- B. authorizing payment of fees and transaction expenses not to exceed \$1,162,500; and
- C. approving the resolution authorizing the defeased lease transaction for Qualified Technological Equipment.

12. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0) adopting a resolution approving the First Supplemental Trust Indenture for the **Capital Grant Receipts Revenue Bonds**.

17. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) approving a **pay increase for the San Fernando Valley Service Sector General Manager**, effective upon Board approval.

27. CONSTRUCTION COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to execute Contract Modification No. 7 to Contract No. EN070 with Ultrasystems Environmental, Inc., to provide **additional funding for environmental compliance services for facilities capital projects and the major capital projects** for

an amount not to exceed \$700,000, increasing the total contract value from \$3,001,000 to \$3,701,000 and changing the contract completion date from March 30, 2006 to June 30, 2006.

28. CONSTRUCTION COMMITTEE RECOMMENDED (3-0):

- A. finding that awarding Design-Build contracts pursuant to Public Utilities Code Section 130242(a) will achieve for the Metro certain private sector efficiencies in the integration of the design, project work and components related to the real property renovation, repair and construction work at Metro facilities in Los Angeles County; and
- B. authorizing the Chief Executive Officer to solicit and award **Design-Build contracts for renovation, repair and construction at Metro facilities**, pursuant to Public Utilities Code Section 130051.9(c).

(REQUIRES 2/3 VOTE OF THE BOARD)

29. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:

- A. execute Modification No. 9 to Contract No. OP33443130 with Mitsubishi Electric & Electronics USA, Inc., to provide **Metro transit facilities elevator and escalator maintenance and repair services**, extending its contract term for a period of 90 days for an amount not to exceed \$791,220, increasing the total contract value from \$13,591,312 to \$14,382,532, effective November 1, 2005; and
- B. award a five-year firm, fixed unit rate Contract No. OP33440667 to Mitsubishi Electric and Electronics USA, Inc., for Metro transit facilities elevator and escalator maintenance and repair services for an amount not to exceed \$29,977,139, inclusive of two one-year options and a 1.4% contingency for as-needed additional services, effective February 1, 2006.

NON-CONSENT:

3. Chair's Report

4. Chief Executive Officer's Report

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)
AS AMENDED to reduce the maximum per package amount in Item D to \$1 million:
 - A. authorizing the Chief Executive Officer to enter into a Memorandum of Understanding with the State of California Department of Transportation (Caltrans) to **reimburse Caltrans for Construction and Construction Support of the Phase I, Priority 1, Package 1 Soundwalls** in the Metro Post 1989 Retrofit Soundwall Program on Southbound State Route 170 from Saticoy Street to Roscoe Boulevard for an amount not to exceed \$10,297,100;

 - B. authorizing the Chief Executive Officer to execute an amendment to the existing MOU with Caltrans to reimburse Caltrans for Right-of-Way and Right-of-Way Support of the Phase I, Priority 1, Packages 2 and 3 Soundwalls in the Metro Post 1989 Retrofit Soundwall Program, on Eastbound and Westbound Interstate 210 from Citrus Avenue to Big Dalton Wash, and on Eastbound and Westbound Interstate 210 from Rosemead Boulevard to Baldwin Avenue for an amount not to exceed \$1,539,230, increasing the total funding from \$6,583,000 to \$8,122,230;

 - C. authorizing the CEO to execute an amendment to the existing MOU with Caltrans for Construction of Demonstration Soundwall on Westbound Interstate 10 from Military Avenue to Motor Avenue for an amount not to exceed \$389,525, increasing the total funding from \$750,000 to \$1,139,525; and

 - D. amending the Metro Policy for Programming Cost Changes for STIP and Federally/Locally Funded State Highway Projects to include federally/locally funded soundwalls up to a maximum of ~~\$2,000,000~~ **\$1,000,000** per package.

22. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approval of **VILLARAIGOSA AND BURKE MOTION** that the MTA Board direct the CEO to:
1. Allocate \$42,000 in Board Contingency Funds for outreach activities to **small and disadvantaged businesses** for the remainder of Fiscal Year 2005-06;
 2. Restore funding in future years and include a minimum of \$65,000 for outreach activities to small and disadvantaged businesses through the Support Services Business Unit in the Fiscal Year 2006-07 budget; and
 3. Review the best practices for SBE and DBE outreach at public agencies in Los Angeles County – including consultation with the Transportation Business Advisory Council (TBAC) – and report back in 90 days with additional recommendations for strengthening the MTA’s outreach program.
36. INCREASE the life-of-project budget for the **Metro Rail Security and Surveillance System project #204046** by \$3,000,000, increasing the life-of-project budget from \$3,000,000 to \$6,000,000 using funds from the existing rail capital program budget.
37. CONTINUE to monitor **labor issues with Transportation Concepts, Inc.**, including their commitment to offer employment to all of the displaced First Transit employees at their former hourly rate.
38. APPROVE the following nominee for membership on the **San Fernando Valley Sector Governance Council**:
- Todd Campbell – Vice Mayor of the City of Burbank and resident of San Fernando Valley replacing Stacey Murphy.

35. CLOSED SESSION:

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

1. Henry Radio, Inc. v. MTA BC323222
2. James v. MTA CV02-9441JFW
3. Labor/Community Strategy Center v. MTA CV 94-5936

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

One case.

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

Agency Negotiator: John Catoe
Employee Organizations: ATU, UTU

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

ADJOURNMENT