

AGENDA

**Regular Board Meeting
Board of Directors**

**One Gateway Plaza
3rd Floor Board Room**

Call to Order

Directors

Ara J. Najarian, Chair
Don Knabe, 1st Vice Chair
Antonio Villaraigosa, 2nd Vice Chair
Michael Antonovich
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Pam O'Connor
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky
Vacant, 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

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.

HELPFUL 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.metro.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, 22, 30, 31, 32, 34, 35 and 47.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting** held January 28, 2010 and **Special Board Meeting** held February 1, 2010.
5. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0) AND PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) approving one additional “Build Alternative” for study in the **Regional Connector Draft Environmental Impact Study/Report**.

The additional “Build Alternative” is a Fully Underground LRT Alternative (Little Tokyo Variations 1 and 2) – underground alternative via Second Street and under First and Alameda Streets. This alternative would be in addition to the Metro Board’s previous approval to include: the “No Build”, TSM, and two build alternatives.

7. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0) authorizing:
 - A. the Chief Executive Officer to enter into a **Memorandum of Understanding with the South Bay Cities Council of Governments** in the amount of \$401,505 for development of a Measure R Highway Program Implementation Plan. Measure R dollars earmarked for the South Bay region will be used to fund this effort; and
 - B. FY 2010 reimbursements for an amount not to exceed \$46,400, retroactive to February 1, 2010.

22. OPERATIONS COMMITTEE RECOMMENDED (4-0):
- A. authorizing the Chief Executive Officer to amend the FY10 MOU with Access Services Incorporated (ASI) to reduce its annual funding for FY11 and each consecutive year by \$600,000 annually in exchange for the use of office space at Division 9 in El Monte; and
 - B. executing a month-to-month lease which, after certain conditions are met, will convert to a five-year **lease agreement between ASI and LACMTA for providing office space** at 3449 Santa Anita Avenue, El Monte, CA.
30. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
- A. receiving Congestion Mitigation Fee Study Status Report; and
 - B. authorizing the Chief Executive Officer to modify the existing firm fixed price contract with Cambridge Systematics, Inc. to conduct the **Congestion Mitigation Fee Study Nexus Analysis** and increase the contract amount by a not-to-exceed figure of \$1,133,413.
31. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) reprogramming \$1,866,100 in LACMTA prior year surplus funds to offset LACMTA's share of **Southern California Regional Rail Authority projected operating deficit for the Metrolink commuter rail service** for the remainder of FY 2009-10.
32. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
- A. extending the **Transit Service Operation Agreement between LACMTA and the City of Glendale for the Glendale Beeline Route 3** for an additional two years; and
 - B. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements between LACMTA and the City of Glendale for funding approval.

34. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) approving REVISED HUIZAR MOTION that:

1. Metro serve as the **responsible** lead agency for the coordination of expedited environmental review for **the Downtown L.A. Streetcar and integrated Broadway Streetscape Master Plan**;
2. Metro approve the appropriate budget and staffing resources necessary to do this work, subject to a legally binding agreement with the CRA/LA to reimburse Metro for 100% of the costs; and
3. the Board authorize the CEO to execute this agreement.

35. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:

- A. support the City of Los Angeles' application to the Federal Transit Administration under its 5309 Discretionary Grant program for development of the **Bringing Back Broadway Los Angeles Street Car initiative**;
- B. assist the City in completing the required environmental analysis and clearances;
- C. execute agreement(s) with the City of Los Angeles for MTA to be the responsible agency for the appropriate environmental clearances for this project;
- D. execute appropriate agreements with the City of Los Angeles to insure that MTA is reimbursed for all MTA incurred costs, including staff and consultant services, for environmentally clearing this project; ~~and~~
- E. initiate actions necessary to procure environmental consultants for this project; **and**
- F. the partnership will include CRA/LA reimbursing MTA for the expenses incurred, making this a budget-neutral partnership for the MTA.**

47. AD HOC CONGESTION PRICING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to amend the existing **Los Angeles County Congestion Reduction Demonstration Memorandum of Understanding with the United States Department of Transportation** to extend the deadline for the conversion of the High-Occupancy Vehicle lanes to High-Occupancy Toll lanes on Interstates 10 and 110 for up to 19 months to allow for the completion of the roadway improvements for each corridor.

NON-CONSENT

3. Chair's Report
 4. Chief Executive Officer's Report.
 18. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION RIDLEY-THOMAS AND VILLARAIGOSA MOTION that the MTA Board directs the Inspector General to:
 1. Conduct a **comprehensive audit of MTA's litigation costs and cost management performance**, including but not limited to:
 - A. An inventory of all claims and litigation cases within the last five years, including:
 - 1) Payouts
 - 2) Outside counsel costs
 - 3) Litigation expenses
 - 4) County Counsel costs
 - 5) Type/nature/category of claim
 - B. Evaluation of the efficacy and effectiveness of MTA's current policies, procedures, and practices:
 - 1) Case management practices and supervision
 - 2) Risk management
 - 3) Compliance with policies, procedures, and practices
 - 4) Adherence to industry best practices in limiting costs/expenditures
 - 5) Review and approval process of payouts and settlements
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- 6) Communication with MTA Board members
 - 7) Advice to management aimed at limiting future liability payouts through changes in management, policies, procedures, and practices
- C. Any other information that would provide context, background, and/or analysis to the MTA Board about how litigation costs are currently managed
2. Report back to the MTA Board no later than the June 2010 Board meeting.
49. PLANNING AND PROGRAMMING COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION:
- A. adopting the proposed **near-term strategies and priority-setting criteria for developing the 2011 Los Angeles County Transportation Improvement Program (TIP)** to address current and projected revenue shortfalls; and
 - B. directing that any additional revenues that are provided from future economic stimulus and other federal legislation be folded into the 2011 Los Angeles County TIP and be used for the timely completion of Metro's and other Long Range Transportation Plan commitments that would not be possible otherwise due to the economic downturn and state budget issues.
52. O'CONNOR MOTION that the Metro Board instruct the CEO and staff to take the necessary steps to **place Metro on the Google Nominations List** as a candidate for one of the "ultra high-speed" broadband prototype network demonstration projects.

Further move that Metro staff:

- Review Metro's ability to host the Google network, including legal status of its rights of way, condition of existing fiber conduit and vaults, inventory station adjacent neighborhoods and institutions, and so forth;
- Communicate Metro's interest to Google and verify that Metro's model would qualify for consideration;

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- Work in consultation with SCAG, the City and County of Los Angeles, and cities with Metro rail stations to mount a potent, unified application; and
- Complete these tasks in an expeditious manner in order to meet the March 26 deadline.

53. O'CONNOR MOTION that the Metro Board direct staff to work with the Planning and Programming Committee in conjunction with the Ad Hoc Congestion Pricing Committee to **examine the problems confronting the Artesia Transit Center** with input from the South Bay Sector Council, the South Bay Cities COG and members of the transit riding public in an effort to address the resolution of providing public restroom facilities at select Metro transit centers.
54. DUBOIS AND O'CONNOR MOTION that Metro Capital Planning staff bring to the Planning and Programming Committee a review of the issues concerning **eligible Job Access and Reverse Commute (JARC) and New Freedom projects and programs**. Further move that the Board of Directors rescinds the "staff approval" of the solicitation of projects and that staff recommendations shall be presented to the Planning and Programming Committee for its review and recommendations to the full Board.
55. APPROVE the following nominee for membership on the **South Bay Service Sector Governance Council**:

James Goodhart, Councilman, City of Palos Verdes Estates –
New appointment to fill position vacated by John McTaggart
Appointed by: South Bay Cities Council of Governments
Term ending: January 2011

56. CONSIDER:

- A. changing the Ad Hoc Sustainability Committee name to **Ad Hoc Sustainability and California Senate Bill (SB) 375 Implementation Committee**;
- B. expanding membership of the committee to include the SB 375 planning director from the Southern California Association of Governments (SCAG); the planning directors from Los Angeles County and the City of Los Angeles, the executive directors from the subregions, and **the Air Quality Management District**;
- C. adopting a position of support for the Chief Executive Officer's recommendation to develop written agreements with SCAG, Los Angeles County, the City of Los Angeles, and the sub-regional agencies outlining roles, responsibilities, and expectations related to SB 375 implementation and the adoption of a Sustainable Communities Strategy; and
- D. directing staff to create a countywide forum on SB 375 to address issues being confronted by SCAG and the sub-regions related to the development of a Sustainable Communities Strategy, including the modeling approach and emission reduction strategies, among others.

(CARRIED OVER FROM JANUARY BOARD MEETING)

- 57. APPROVE resolution in support of **Local Taxpayer, Public Safety and Transportation Act of 2010**.
- 58. APPROVE contract modification authority for Contract C0933, **Division 21 Phase II improvements**, for an amount not to exceed \$800,000.
- 59. AUTHORIZE the Chief Executive Officer to award a firm fixed price contract under IFB No. OP34342407 with Fairway Ford, the lowest responsive and responsible bidder, for **11 field technician lube trucks** for an amount not to exceed \$1,267,097, inclusive of sales tax.

60. RECEIVE AND FILE report responding to the Board Motion requesting staff to return to the Board regarding **various items related to the adoption of the 2009 Long Range Transportation Plan.**

61. **Closed Session:**

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

1. Maria Lopez v. LACMTA, Case No.: BC404802

2. Tutor-Saliba-Perini v. LACMTA, Case No.: BC123559

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

Significant Exposure to Litigation (one case)

C. 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.

(CARRIED OVER FROM JANUARY BOARD MEETING)

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