

Thursday, October 28, 2010 9:00 A.M.

NOTE: Change in Start Time THIS MONTH ONLY.

AGENDA

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Don Knabe, Chair
Antonio Villaraigosa, 1st Vice Chair
Michael Antonovich, 2nd Vice Chair
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Ara J. Najarian
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

Pledge of Allegiance

Reading of the Agenda

I. PRESENTATIONS/SET MATTERS

S-1. Chair's Report

S-2. Chief Executive Officer's Report

II. BOARD OF DIRECTORS 1-3

1. APPROVE **Minutes** of the September 23, 2010 Regular Meeting.
2. RECEIVE AND FILE report on actions taken by the Chief Executive Officer in response to concerns raised at the October 21, 2010 Measure R Project Delivery Committee regarding **annual Local Return Audits**.
3. APPROVE the following **nominee for membership on the Westside Central Governance Council**:

Elliott Petty – County of Los Angeles District 2 Supervisor Appointee
New Appointment replacing vacant seat
Appointed by: Director Mark Ridley-Thomas
Term ending: June 30, 2012

III. CONSENT CALENDAR ITEMS 4-18

CONSTRUCTION COMMITTEE

4. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to increase funds for contract No. EN075, for **environmental compliance services** for all transit corridor and capital projects, in an amount not to exceed \$600,000, increasing the total contract value from \$6.3 million to \$6.9 million.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

5. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) approving **Memorandum of Cooperation with the Beijing Municipal Commission of Transport.**

6. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving:
 - A. pay grade BB (\$142,641 - \$213,962) for the **new Executive Director, Government and Community Relations position** and authorize the Chief Executive Officer to negotiate a salary within the pay range; and

 - B. the upgrade of Executive Director, Highway Project Delivery, from pay grade BB (\$142,641 - \$213,962) to pay grade CC (\$190,621 - \$278,793) and a salary of \$240,000 for the position.

MEASURE R PROJECT DELIVERY COMMITTEE

7. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0) and PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
 - A. advance up to \$7.2 million in Measure R 3 percent funds to the Southern California Regional Rail Authority (SCRRA), until such time as Proposition 1B Trade Corridors Improvement Funds are available for the **construction of track work projects along the Antelope Valley Line**; and

 - B. negotiate and enter into a Memorandum of Understanding with SCRRA to implement this action.

OPERATIONS COMMITTEE

8. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
 - A. award a 60-month (36-month, plus two 12-month options) indefinite delivery, indefinite quantity contracts, under RFP No. OP39222548 to JM Fiber Optics to provide **Communications Systems equipment and support**, for such systems as the Synchronous Optical Network, Closed Circuit Television and Wayside Intrusion Detection for the Metro Gold Line Foothill Extension, Exposition Light Rail Transit Project Phase II and LACMTA internal projects for an amount not to exceed \$17,700,472, inclusive of sales tax; and
 - B. award a 60-month (36-month, plus two 12-month options) indefinite delivery, indefinite quantity contracts, under IFB No. OP39222584 to JM Fiber Optics to provide Communications Systems equipment and support, for such systems such as the Intrusion Detection System, Public Address System and Fire Control System for the Metro Gold Line Foothill Extension, Exposition Light Rail Transit Project Phase II and LACMTA internal projects for an amount not to exceed \$2,563,654 inclusive of sales tax.

9. OPERATIONS COMMITTEE RECOMMENDED (5-0) authorizing:
 - A. **establishing a life-of-project budget for the Advanced Transportation Management System Narrowband Frequency Project**, CP# 202305, in the amount of \$8.8 million;
 - B. amend the Fiscal Year 2011 budget to add \$200,000 of Prop 1B Transit Security funds to CP# 202305.

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

- A. award a firm fixed price contract under Bid No. 11-0003 to Cummins Cal Pacific, LLC, the single lowest responsive and responsible bidder, for the procurement of up to **48 natural gas fueled engines** for an amount not to exceed \$2,188,380, inclusive of sales tax; and
- B. exercise an option with Cummins Cal Pacific, LLC to purchase up to 152 additional natural gas fueled engines subject to availability of funding for an amount not to exceed \$7,887,755 inclusive of sales tax.

11. OPERATIONS COMMITTEE RECOMMENDED (4-0):

- A. finding that there is only a single source of procurement for NABI / Cummins ISL G installation kits and purchase is for the sole purpose of duplicating the existing equipment already in use; and authorizing the purchase of NABI / Cummins ISL G installation kits pursuant to Public Utilities Code section 130237.
- B. authorizing the Chief Executive Officer to award a firm fixed price contract to Cummins Cal Pacific, LLC, for the procurement of **100 NABI / Cummins ISL G installation kits** for an amount not to exceed \$2,550,611 inclusive of sales tax.

(REQUIRES A 2/3 VOTE OF THE BOARD)

12. OPERATIONS COMMITTEE RECOMMENDED (4-0):

- A. finding that there is only a single source of procurement for **Alstom Integrated Vital Processor Interlocking (IVPI) modules** and purchase is for the sole purpose of replacing LACMTA's existing equipment already in use and authorizing the purchase of IVPI modules pursuant to Public Utilities Code section 130237.

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- B. authorizing the Chief Executive Officer to award a firm fixed price contract to Alstom Signaling Inc. for the procurement of IVPI modules for Metro Red Line Yard (Division 20) in an amount not to exceed \$1.5 million.

(REQUIRES A 2/3 VOTE OF THE BOARD)

- 13. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing **subject to resolution of protest** the Chief Executive Officer to award a ten-year firm fixed unit rate contract, Contract No. OP33432555 to Clean Energy for **Operations and Maintenance services** at Divisions 1, 5, and 7 for an amount not to exceed \$18,772,463, inclusive of an option for Division 3 in August 2013.
- 14. OPERATIONS COMMITTEE RECOMMENDED (4-0) **as revised pending outcome of an appeal to the Chief Executive Officer:**
 - A. executing ~~nine~~ **eight** Metro **Freeway Service Patrol (FSP) contracts** in an amount not to exceed ~~\$11,278,330~~ **\$10,073,725; and execute contract No. FSP11-40 with Lara’s Tow for FSP Beat 40 in the amount of \$1,204,606 pending resolution of the outstanding matter. If, as a result of the legal matter, Lara’s Tow is no longer eligible for this contract, execute contract No. FSP11-40 with Reliable Delivery Service, Inc., the eligible bidder, in the amount of \$1,260,165.**

Beat	Contract	Contractor	Amount	Contract Period
4	FSP11-4	L.A. Car Carrier	\$ 1,881,245	04/01/11 - 02/28/14
8	FSP11-8	Freeway Towing, Inc.	\$ 1,284,488	03/01/11 - 01/31/14
12	FSP11-12	Bob & Dave's Towing, Inc.	\$ 972,369	04/01/11 - 03/31/13
14	FSP11-14	Kenny's Auto Service	\$ 960,741	02/01/11 - 12/31/12
16	FSP11-16	Frank Scotto Towing	\$ 1,155,694	02/01/11 - 12/31/12
20	FSP11-20	Bob & Dave's Towing, Inc.	\$ 972,369	03/01/11 - 02/28/13
24	FSP11-24	T.G. Tow, Inc.	\$ 1,398,815	03/01/11 - 12/31/13
40	FSP11-40	Lara's Tow Service, Inc.	\$ 1,204,606	04/01/11 - 03/31/13

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41	FSP11-41	Encino Towing, LLC	\$ 1,448,004	02/01/11 - 12/31/13
		Total	\$11,278,331	

B. negotiating and executing contract modifications for a total amount not-to-exceed \$3.423 million; and

C. restructuring current FSP operations to create a regional structure.

15. OPERATIONS COMMITTEE RECOMMENDED (5-0) the following **nominee for membership on the San Fernando Valley Governance Council**:

Kymberleigh Richards – City of Los Angeles Appointee
 Reappointment
 Appointed by: Council President, City of Los Angeles
 Term ending: September 30, 2013

PLANNING AND PROGRAMMING COMMITTEE

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

A. **establish Bench Contracts** under Request for Interests and Qualifications (RFIQ) PS-4010-2540 to the recommended contractors for a three-year period beginning on November 1, 2010 for professional services in an amount not to exceed a cumulative total value of \$8 million; and

B. execute Task Orders under the individual Bench Contracts up to \$250,000 per contract.

17. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) adopting the **2010 Congestion Management Program** for Los Angeles County.

18. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to enter into the following documents and agreements related to **Metro's Hollywood & Vine transit-oriented development (TOD)**, each in substantial accordance with the Summary of Key Terms and Conditions for the purpose of relocating the development's bike room, closing the development's public restrooms, eliminating each developers' advertising signage obligation to Metro and providing a one-time payment of \$92,105 to Metro:
- A. an amendment to the executed ground lease with HEI/GC Hollywood & Vine Hotel LLC covering the mixed-use W Hollywood hotel/retail portion of the development;
 - B. an amendment to the executed ground lease with Legacy Partners Hollywood & Vine, L. P. covering the 1600 Vine mixed-use apartment/retail portion of the development;
 - C. an amendment to the executed Agreement Containing Covenants with HEI/GC Hollywood & Vine Condominiums LLC covering the W Hollywood condominium portion of the development; and
 - D. other necessary or prudent documents and agreements that are substantially consistent with the provisions set forth in the Summary of Key Terms and Conditions.

Directed staff to make Metro Hollywood & Vine TOD a demonstration project and incorporate into regular recurring updates on the LACMTA Bicycle Program.

IV. DISCUSSION ITEMS 19-25

19. OPERATIONS COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to award a five-year firm-fixed unit rate contract, Contract No. OP31202573 to Isotech Pest Management for **bus pest control services** in the amount of \$5,385,215, inclusive of two one-year options effective November 12, 2010.

20. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0) and PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
- A. **accepting the Regional Connector Transit Corridor Project draft Environmental Impact Statement/draft Environmental Impact Report (EIS/EIR);**
 - B. designating the staff recommended Locally Preferred Alternative recommended below in the draft EIS/EIR for further study in the final EIS/EIR including removal of the 5th/Flower station;
 - 1. Fully Underground LRT Alternative -underground alternative via Second Street and under First and Alameda Streets with :
 - a. 5th/Flower Station- Deleted Station
 - b. 2nd/Hope Station
 - c. 2nd/Broadway Station
 - d. 2nd/Central Station
 - C. authorizing the Chief Executive Officer (CEO) to exercise:
 - 1. Modification No.8 to Contract No. PS 4320-1985 with Camp Dresser & McKee (CDM) in support of the Board-approved option for the Final EIS/EIR for an amount not to exceed \$2,376,569, increasing the total contract amount from \$13,257,198 to \$15,633,767;
 - 2. Modification No. 2 of Contract No. PS-4320-1988 with the Robert Group in support of the Board-approved option for the facilitation of Community Outreach for the Final EIS/EIR in the amount of \$657,672, increasing the total contract amount from \$1,027,722 to \$1,685,394;
 - 3. Contract modification authority for up to 15 percent of the above amounts to cover the cost of any potentially unforeseen issues that may arise during the above phase.

21. MEASURE R PROJECT DELIVERY COMMITTEE FORWARDED WITHOUT RECOMMENDATION and PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
- A. authorizing the Chief Executive Officer (CEO) to negotiate and execute a cost-plus fixed fee contract, No. E01119, for Phase I Advanced Conceptual Engineering and Phase II **Preliminary Engineering for the Board-adopted Locally Preferred Alternative for the Regional Connector Transit Corridor** to The Connector Partnership (a Joint Venture of AECOM and Parsons Brinckerhoff), in an amount not to exceed \$21.5 million;
 - B. establishing contract modification authority for 15 percent of the not-to-exceed contract award value and authorizing the CEO to execute individual contract modifications within and up to the Board-approved Contract Modification Authority;
 - C. delegating to the CEO, should staff be unable to conclude negotiations with The Connector Partnership, the authority to negotiate and execute a contract with the next most qualified proposer; and
 - D. increasing the Fiscal Year 2011 budget to include \$5 million in State Replacement Capital Project Loan funds to Project 860228 for Phase II Preliminary Engineering.
22. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) **as amended** and MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0):
- A. **approving the Westside Subway Extension draft Environmental Impact Statement/Environmental Impact Report** (EIS/EIR);
 - B. approving draft EIS/EIR Alternative #2, a 9-mile extension of the existing Metro Purple Line subway with seven stations from its current terminus at the Wilshire/Western Station to a Westwood/Veterans Administration (VA) Hospital Station as the Locally Preferred Alternative (LPA) for further study in the final EIS/EIR with the following recommended station/alignment options and rail support facilities;

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1. Wilshire/Crenshaw Station
 - Delete station
2. Wilshire/Fairfax Station
 - East Station
3. La Cienega Station and Connections
 - East Station
 - Delete West Hollywood Connection Structure
4. Century City Station and Alignments
 - Santa Monica Boulevard and Constellation Station options carried forward for further study
 - Constellation North and Santa Monica Boulevard Alignment options between Beverly Hills and Century City carried forward
 - East alignment only between Century City and Westwood carried forward
5. Westwood/UCLA Station
 - Westwood/UCLA on-street and off-street station options carried forward for further study
6. Westwood/VA Hospital Station
 - Westwood VA Hospital North and South station options carried forward for further study
7. Rail Storage & Maintenance Facility
 - Expansion of existing Division 20
8. Other Support Facilities:
 - Provision of necessary ancillary facilities including special track work (crossovers, tail tracks, etc), traction power substations, emergency generators, vent shafts as identified in the draft EIS/EIR Volume 2 – Alternative 2 LPA advanced conceptual engineering drawings.

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C. authorizing the Chief Executive Officer (CEO) to:

1. Exercise Options #2 and #3 to Contract No. PS 4350-2000 with PB Americas Inc. (PB Americas) to prepare the final EIS/EIR (Option 2) and continue advanced conceptual engineering (ACE) and complete Preliminary Engineering (PE) Design (Option 3) once approval is received from the Federal Transit Administration (FTA), in the amount of \$48,394,203 increasing the total contract amount from \$22,272,286 to \$70,666,489;
2. Exercise Option #2 to Contract No. PS-4350-1995 with The Robert Group to conduct the facilitation of community outreach in support of the final EIS/EIR and PE in the amount of \$864,000 increasing the total contract amount from \$1,913,051 to \$2,777,051;
3. Increase the Fiscal Year 2011 budget to include \$5 million in State Repayment of Capital Project Loan dollars in Cost Center 8510, Project No. 865518 to support PE design; and
4. Establish contract modification authority for 15 percent of the not-to-exceed value of each Option, and authorize the CEO execute individual contract modifications within and up to the Board-approved Contract Modification Authority.

Yaroslavsky Motion that during Final EIS/EIR preparation, staff fully explore the risks associated with tunneling under the high school, including but not limited to the following: risk of settlement, noise, vibration, risks from oil wells on the property, impact to use of the school as an emergency evacuation center, and overall risk to student, faculty and the community; and

Further moved that staff continue to work closely with the community and the City of Beverly Hills and provide them information from these analyses as soon as they become available.

Directed staff to analyze the possibility of moving the subway tunnel in order to avoid all school buildings and avoid impacting any future plans to remodel Beverly Hills High School.

23. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0) and PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):

- A. authorizing the lease of office space to provide **an Integrated Project Management Office to support the Westside Subway Extension and Regional Connector Transit Corridor Projects**;
- B. authorizing the Chief Executive Officer to execute a one year sub-lease agreement, including up to six one year options, with Marsh USA, Inc., for the rental of approximately 41,628 rentable square feet of office space in an office building located at 777 Figueroa Street, Los Angeles, CA commencing January 1, 2011 at an estimated initial annual rental cost of \$999,072 or \$83,256 per month; and
- C. increasing the Fiscal Year 2011 budget to include \$499,536 in State Repayment of Capital Project Loan, TCRP Funds, dollars in Cost Center 8510, Projects 865518 and 860228.

Approval contingent upon Board approval of related items for consultant services to perform Advanced Conceptual Engineering and Preliminary Engineering for the Westside Subway Extension and Regional Connector Projects.

24. EXECUTIVE MANAGEMENT AND AUDIT RECOMMENDED (4-0) and OPERATIONS COMMITTEE FORWARDED WITHOUT RECOMMENDATION:

- A. authorizing staff to issue a federally funded solicitation for a **“Best Value” Light Rail Vehicle (LRV) procurement**. The procurement will include 78 vehicles in the base order and options for additional vehicles as required for Measure R light rail projects;
- B. approving an increase in the life-of-project budget for CP#206035 – Light Rail Vehicle Procurement (P3010) of \$160,910,000, from \$174,500,000 to \$335,410,000;

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- C. approving the attached funding plan totaling \$335,410,000 for the first 78 LRVs that includes the reprogramming of \$21.9 million in federal funds which are anticipated savings from the procurement of P2550 light rail vehicles; and
 - D. amending the FY11 budget to add one full-time equivalent (FTE) to Transit Operations to provide dedicated project management support and one FTE to Administrative Services-Procurement to provide dedicated project and contract administration support for the life of the capital project.
25. PLANNING AND PROGRAMMING COMMITTEE FORWARDED WITHOUT RECOMMENDATION **Ridley-Thomas Motion** that the Metro Grade Crossing Policy for Light Rail Transit be revised as follows:
- A. The name of the policy shall be changed from the “MTA Grade Crossing Policy for Light Rail Transit” to “**Metro Grade Crossing Safety Policy**.”
 - B. The preamble to the policy shall be revised to place greater emphasis on public safety and economic development concerns;
 - C. Traffic flow analyses of grade crossing alternatives shall be calculated under three scenarios: 1) current automobile traffic levels, 2) traffic levels adjusted to reflect “natural growth” in traffic over 20 years, and 3) traffic levels adjusted to reflect the full build-out of land development entitlements within a one-half mile radius of each crossing over 20 years. These three scenarios will estimate impacts on traffic levels that might result from different levels of economic development and will ensure that grade crossing decisions will accommodate, rather than thwart, future economic development;
 - D. Analyses of grade crossing alternatives shall include thorough consideration of non-traffic and non-rail issues affecting each crossing. These analyses shall be in narrative form, with special attention to schools, parks and social service facilities, areas of high pedestrian activity and anticipated changes in land use or demographics. These

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analyses will allow for community input, and for the evaluation of subjective community considerations, such as safety and economic development, which do not lend themselves easily to quantitative analysis;

- E. Final determination of each grade crossing or grade separation decision shall be made by the Metro Board of Directors, based on a balanced evaluation of technical considerations, such as traffic flow and queuing, and community-based considerations, such as public safety and economic development.

V. MISCELLANEOUS

- 26. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
- 27. 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.
- 28. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

VI. CLOSED SESSION

CS-1. Conference with Legal Counsel - Pending Litigation- G.C. 54956.9(a)

- A. Maria Martinez v. L.A.C.M.T.A., Case No. BC425244
- B. Ghrandick Avanesians v. L.A.C.M.T.A., Case No. BC423794
- C. Posis v. MTA – Case No. BC 406099

CS-2. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b)

Significant Exposure to Litigation (One Case)

CS-3. Conference with Labor Negotiators - G.C. 54957.6

Agency Representative: Richard Hunt and designated staff
Employee Organizations: ATU, UTU, TCU,
Teamsters

CS-4. Personnel Matters – G.C. 54957:

Public Employee Appointment
➤ Consider appointment of Inspector General

ADJOURNMENT