

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
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

*Possibly participating via teleconference from the following location: Thompson Coburn, LLP
1909 K Street, NW, Suite 600, Washington, DC 20006



Los Angeles County
Metropolitan Transportation Authority

Metro

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:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. 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**

Pledge of Allegiance

Reading of the Agenda

I. PRESENTATIONS/SET MATTERS

S-1. Chair's Report

S-2. Chief Executive Officer's Report

- Recognition of Howard Sachar, Citizens Advisory Committee Person of the Year

II. BOARD OF DIRECTORS 1 THROUGH 3

1. APPROVE **Minutes** of the December 9, 2010 Regular Meeting.
2. RECEIVE oral report on **FTA's preliminary engineering approval notices for the Westside Extension and Regional Connector.**
3. RECEIVE AND FILE the **Follow-Up Audit of Non-Competitive Procurements (11-ADM-001).**

III. CONSENT CALENDAR ITEMS 4 THROUGH 20

All matters are approved by one motion unless held by a Director for discussion and/or separate action.

**Item 16 requires a 2/3 vote.

AD HOC CONGESTION PRICING COMMITTEE

4. AD HOC CONGESTION PRICING COMMITTEE RECOMMENDED (3-0):
 - A. approving Contract Modification Authority to Contract No. C0958, El Monte Busway and Transit Center, with KPRS, Inc. for an amount not to exceed \$6,000,000;
 - B. authorizing the Chief Executive Officer to negotiate and execute contract modifications to Contract No. C0958 to provide for **evacuation, transportation and disposal of discovered contaminated soils at El Monte Station** for an amount not to exceed \$6,000,000, allowing an increase to the total contract value from \$39,001,070 to \$45,001,070; and
 - C. authorizing staff to enter into discussions with Caltrans for any potential cost recovery for Metro as it relates to the contaminated soils discovered beneath the Caltrans properties.

5. AD HOC CONGESTION PRICING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to exercise Options #1 and #2 to Contract No. PS092210233 with Atkinson Contractors, LP to install **additional signage allowing Express Lane users access to and from the I-105 via the HOV direct connector ramps and to install additional signage** required by the 2009 Manual on Uniform Traffic Control Devices in the amount of \$4,250,000 increasing the total contract amount from \$72,365,702 to \$76,615,702. This action does not increase the Life of Project budget.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

6. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) supporting a set of principles that would reenact the **sales tax-gas tax swap package enacted in 2010**.

7. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to **negotiate salaries** within the pay range for the following budgeted positions:
 - A. Executive Officer, Project Support, pay grade AA (\$134,378 - \$167,972 - \$201,567)
 - B. Executive Officer, Countywide Planning and Development, pay grade AA (\$134,378 - \$167,972 - \$201,567)
 - C. Executive Director, Project Management Oversight, pay grade BB (\$142,641 - \$178,301 - \$ 213,962)
 - D. Chief Administrative Services Officer, pay grade BB (\$142,641 - \$178,301 - \$213,962)

8. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving expenditure of \$200,000 to prepare an **update to the Disparity Study** to include procurements completed during the fiscal years 2008 through 2010.

FINANCE AND BUDGET COMMITTEE

9. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0):
 - A. adopting the updated **Investment Policy**;
 - B. approving the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA Officials; and
(Continued on next page)

(Item 9 – Continued from previous page)

- C. delegating to the Treasurer or his/her designees, the authority to invest funds for a one-year period, pursuant to California Government Code Section 53607.

- 10. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) approving the updated **Compressed Natural Gas (CNG) Hedging Program**.

MEASURE R PROJECT DELIVERY COMMITTEE & PLANNING AND PROGRAMMING COMMITTEE

- 11. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (4-0) AND PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. approving screening the Freight Track alternative from further consideration in the **South Bay Metro Green Line Extension Draft Environmental Impact Statement/Report (Draft EIS/R)**; and
 - B. receiving and filing status report on Outreach efforts.

OPERATIONS COMMITTEE

- 12. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 10-0042 to New Flyer Industries Canada ULC, the lowest responsive and responsible bidder for **bus brake rotors and disc pads** for an amount not to exceed \$1,027,886, inclusive of sales tax and two one-year options.

13. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 10-0036 to the following lowest responsive and responsible bidders for **alternators** for an amount not to exceed \$4,408,412, inclusive of sales tax and two one-year options.
 - A. H & H Auto Parts Wholesale for line item one for a contract value of \$254,533, inclusive of sales tax;
 - B. Kirk's Automotive, Inc. for line items two and three for a contract value of \$3,442,704, inclusive of sales tax; and
 - C. Romaine Electric for line item four for a contract value of \$711,175, inclusive of sales tax.

14. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 11-0014 to The Jankovich Company, the lowest responsive and responsible bidder for **CNG engine oil** for an amount not to exceed \$3,748,976, inclusive of sales tax and two one-year options.

15. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to:
 - A. make appropriate amendments to the FY2011 and FY2012 budgets to increase the operating budget by up to \$300,000 if outside funding is obtained for **Dodger Stadium Express service** during the 2011 baseball season (April – October 2011); and
 - B. amend future fiscal year budgets if grant monies are received.

16. OPERATIONS COMMITTEE RECOMMENDED (4-0):
- A. finding that there is only a single source of procurement for the **Uninterruptible Power Supply (“UPS”) and Battery Backup System** and purchase is for the sole purpose of replacing the UPS already in use. The Board hereby authorizes the purchase of an Uninterruptible Power Supply and Battery Backup System pursuant to Public Utilities Code Section 130237; and
 - B. authorizing the Chief Executive Officer to award a firm fixed price Contract No. PS119240001 to Total Concept Sales to procure the Uninterruptible Power Supply and Battery Backup System in the amount of \$624,176.17, effective March 1, 2011.

(REQUIRES 2/3 VOTE OF THE BOARD)

17. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute Modification No. 2 to Contract No. PS07643032 with McAllister Office Pavilion, to increase the authorized contract amount authority for **space planning/installation services and systems office furniture** for an amount not to exceed \$340,000. This would increase the not-to-exceed contract amount from \$1,800,000 to \$2,140,000.

18. OPERATIONS COMMITTEE RECOMMENDED (3-0) approving the following **nominees for membership on the South Bay Governance Council:**

- 1. John Addleman: Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
- 2. Jim Goodhart, Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
- 3. Robert Pullen-Miles, Re-appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013
- 4. Roye Love, New appointment, nominated by South Bay Cities Council of Governments. Term ending: December 31, 2013

PLANNING AND PROGRAMMING COMMITTEE

19. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to establish a qualified list of candidates for **Joint Development Bench contracts** resulting from the Request for Interest and Qualifications for a three-year period beginning on February 1, 2011 with two one-year extensions for professional services not to exceed a cumulative value of \$2,000,000.

20. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) finding that all 88 cities and the County of Los Angeles are in conformance with the **Congestion Management Program (CMP) for Los Angeles County**.

IV. DISCUSSION ITEMS 21 THROUGH 27

21. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION AND MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0):
 - A. approving a **unified process and policy for the management and minimization of project costs of the Measure R transit projects**, including a requirement for the prompt development and consideration of lower-cost project alternatives that address the cost-control policy actions of the Board of Directors to date, including, but not limited to, all of those listed in Attachment A of the Board report;
 - B. approving that for Measure R funds, such unified process and policy shall include a requirement where Measure R funding (including any prior Measure R expenditures) shall not exceed the amount shown in the "New Sales Tax Total" column of the Measure R expenditure plan;
 - C. directing the CEO to meet with City and County staff to review how the Project Advisory Committees (PACs) functioned for both entities, and report back within 60 days with a plan to implement PACs for all 12 Measure R transit projects; and (Continued next page)

(Item 21 - Continued from previous page)

- D. receiving and filing this response, shown in Attachment B of the Board report, to the Antonovich/Najarian motion from July 2010 that stated, in part, that the CEO should present:

“A comprehensive, integrated, “cradle-to-grave” strategy for using the funding marks contained in the proposed FY 2011 budget to implement MTA’s Long Range Transportation Plan (LRTP) projects on both the LRTP schedule and the potential 30/10 schedule.”

22. FINANCE AND BUDGET COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to award a nine-year, fixed fee Contract No. PS-5310-2583 to Wells Fargo Insurance Services USA, Inc. for **insurance brokerage services** in an amount of \$2,654,100, inclusive of three two-year options, effective February 1, 2011.
23. AUTHORIZE the Chief Executive Officer to award a five-year firm fixed unit rate Contract No. OP85102554 to Mitsubishi Electric & Electronics USA, Inc. for **Metro transit facilities elevator and escalator maintenance and repair services** for an amount not to exceed \$44,377,356, inclusive of two one-year options, effective March 1, 2011. [\(Supplemental Information\)](#)
24. AUTHORIZE staff to issue changes to RFP 3010 Terms and Conditions, Evaluation Criteria and Proposal Submittal Requirements. This action will create two parallel paths within the existing RFP to allow Proposers the option to simultaneously submit a proposal within the current RFP requirements and one that closely follows known FTA regulations and guidelines for a federally funded solicitation for **Light Rail Vehicles**.
25. APPROVE the changes proposed by the Planning and Programming Committee in July to this Receive and File status report on the **acceleration of schedules and project costs for the 2009 Long Range Transportation Plan (LRTP) incorporating the 30/10 Initiative**.

26. DIRECT the Chief Executive Officer not to exercise a six month option to extend the **federal advocacy services contract** currently provided by Manatt, Phelps & Phillips at a monthly rate of \$51,500.

27. APPROVE the following **nominee for membership on the Gateway Cities Governance Council:**

Richard Burnett - New appointment to fill unexpired position held by Harley Rubenstein. Nominated by Gateway Cities Council of Governments.
Term Ending: June 30, 2012

V. MISCELLANEOUS

28. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.

29. 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.

30. 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. Personnel Matters – G.C. 54957:

Public Employee Appointment

- Consider appointment of Inspector General

CS-2. Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a):

Cathy Gaddy v. LACMTA, Case No. CV09-02343-SVW (VBKx) and related cases

CS-3. Conference with Labor Negotiator - G.C. 54957.6:

Agency Representative: Richard Hunt and designated staff

Employee Organizations: ATU, UTU, TCU, Teamsters

CS-4. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b):

Significant Exposure to Litigation (one case)

ADJOURNMENT