

REVISED 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
Mel Wilson
Zev Yaroslavsky
Michael Miles, 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



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

I. PRESENTATIONS/SET MATTERS

- S-1. Chair's Report
- S-2. Chief Executive Officer's Report
 - Presentation to outgoing Chair Don Knabe

II. BOARD OF DIRECTORS ITEM BD-1

BD-1 WILSON MOTION to provide **no-cost service to uniformed Girl Scouts** in grades K-12 on October 29, 2011 in honor of the 100th anniversary of the Girl Scouts. (Accompanying adults would have to pay fare.)

BD-2 ELECTION of Board Officers.

III. CONSENT CALENDAR ITEMS 1 THROUGH 14

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

- 1. APPROVE **Minutes** of the May 26, 2011 Regular Meeting and the May 18, 2011 Special Board Meeting.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

- 2. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED UNDER RECONSIDERATION (5-0) adopting staff recommended positions:
 - A. SB 517 (LOWENTHAL) – Moves the existing California High Speed Rail Authority into the Business Transportation and Housing Agency, requires reappointment of the Authority board and places ethics restrictions on the Authority. - **WORK WITH AUTHOR**

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CONSENT CALENDAR CONTINUED
EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
(ITEM 2 – CONTINUED FROM PREVIOUS PAGE)

B. AB 145 (GALGIANI) – Creates the Department of High Speed Trains in the Business Transportation and Housing Agency, retains the Board as the governing entity of the Department and grants to the Department the powers necessary to complete the project. – **WORK WITH AUTHOR**

~~C. AB 353 (CEDILLO) – Repeals provisions establishing an exception for a freeway segment to be constructed without an agreement within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority. – **SUPPORT**~~

D. **AB 353 (CEDILLO) – Repeals provisions establishing an exception for a freeway segment to be constructed without an agreement within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority. – WORK WITH AUTHOR**

3. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
RECOMMENDED UNDER RECONSIDERATION (4-0) authorizing the Chief Executive Officer to award:

A. a one-year, firm fixed price contract to Simpson & Simpson to perform Package A of the fiscal year **(FY) 2011 Consolidated Financial and Compliance Audit** of the programs, jurisdictions and agencies inclusive of Option 6 to perform audits of the operating data and Measure R funds of other Transit System Operators for an amount not to exceed \$2,374,375, inclusive of four one-year options for fiscal years 2012 through 2015, effective July 1, 2011; and

B. a one-year, firm fixed price contract to Vasquez & Company to perform Package B of the FY 2011 Consolidated Financial and Compliance Audit of the programs, jurisdictions and agencies inclusive of Option 5 to perform Los Angeles Department of Transportation National Transit Database Audits and Option 6 to perform audits of the operating data and Measure R funds of other Transit System Operators for an amount not to exceed \$2,137,003, inclusive of four one-year options for fiscal years 2012 through 2015, effective July 1, 2011.

CONSENT CALENDAR CONTINUED
EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE

4. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to establish a **qualified list of consultants recommended in the Procurement Summary to perform labor compliance monitoring activities** for Metro construction projects under Request for Interests and Qualifications PS-2130-7700 for a contract period of five years with five one year options.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE AND FINANCE AND BUDGET COMMITTEE

5. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED UNDER RECONSIDERATION (3-0) AND FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) approving the use of a **negotiated bond sale** to refund a portion of the Prop A 2001-A and B Series bonds.

Directed staff to utilize California based emerging firms.

EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE AND OPERATIONS COMMITTEE

6. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) AND OPERATIONS COMMITTEE RECOMMENDED (3-0):
 - A. amending the **Metro Customer Code of Conduct** (“Customer Code”) portion of the Administrative Code to reflect the changes to the Metro Bicycle Policy made by the Board on April 24, 2011 and
 - B. revising the effective date of the Metro Customer Code to October 31, 2011 to enable the procurement of a citation processing vendor to be completed prior to the effective date of the Customer Code.

CONSENT CALENDAR CONTINUED
FINANCE AND BUDGET COMMITTEE

7. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to negotiate and award **excess liability insurance policies** with up to \$250 million in limits at a cost not to exceed \$4.1 million for the 12-month period effective August 1, 2011 through July 31, 2012.

MEASURE R PROJECT DELIVERY COMMITTEE

8. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0):
- A. approving the proposed Strategic Positioning (Category 2 and 3) Projects amounting to \$3.2 million for project development and \$18.2 million in reserve funds for future stages of these projects to complete the first six year funding allocation for the **South Bay Measure R Highway Program**;
 - B. approving programming of \$2.2 million to the South Bay Cities Council of Governments (SBCCOG) for program administration and \$4.4 million for program contingency; and
 - C. authorizing the Chief Executive Officer to execute any necessary agreement(s) for the SBCCOG to access these funds.

OPERATIONS COMMITTEE

9. OPERATIONS COMMITTEE RECOMMENDED (3-0):
- A. the Chief Executive Officer and the Advanced Transit Vehicle Consortium (ATVC) to solicit a Best Value Request for Proposal (RFP) for award of one or more contracts to purchase up to **30 Super Low/Zero Emission Buses** as a competitive negotiation pursuant to PCC § 20217 and MTA's Procurement Policies and Procedures.

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CONSENT CALENDAR CONTINUED
OPERATIONS COMMITTEE

(ITEM 9 – CONTINUED FROM PREVIOUS PAGE)

- B. as part of this RFP for Super Low/Zero Emission Buses, authorize staff to include RFP terms and conditions, evaluation criteria and proposal submittal requirements designed to create employment opportunities in Los Angeles County.
10. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 36-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 11-0028 to Asbury Environmental Services (AES) the lowest responsive and responsible bidder for **engine coolant and coolant waste recycling services** for an amount not to exceed \$1,635,364 for the three-year period inclusive of sales tax and two one-year options.

PLANNING AND PROGRAMMING COMMITTEE

11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
- A. authorizing the Chief Executive Officer to **amend the existing ground lease with One Santa Fe, LLC** (the “Lessee”) by executing three new ground leases to facilitate project development financing through the U.S. Department of Housing and Urban Development on the terms and conditions set forth in the Board report;
 - B. authorizing the Chief Executive Officer to **execute a Letter of Intent and a commercial sublease for 35,000 square feet of office/retail space** with the Lessee to support future Metro operations training facilities and provide related general office and administrative uses on the terms and conditions, and thereby otherwise facilitate project development financing through the City of Los Angeles; and
 - C. authorizing the Chief Executive Officer to execute any ancillary documents and take such other action as are necessary to otherwise carry out execution of the ground lease amendments and commercial sublease.

CONSENT CALENDAR CONTINUED
PLANNING AND PROGRAMMING COMMITTEE

12. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
- A. establishing **Proposition C Capital Reserve Accounts** for:
1. the City of Bell for \$100,000;
 2. the City of Glendora for \$898,464;
 3. the City of Lawndale for \$500,000;
 4. Los Angeles County Unincorporated for \$24,639,000;
 5. the City of Redondo Beach for \$650,000; and
 6. the City of Walnut for \$333,000.
- B. Amend the existing Proposition A and Proposition C Capital Reserve Accounts for:
1. the City of Beverly Hills to extend the termination date and add an additional \$1 million;
 2. extend the termination date for the City of Lawndale;
 3. add an additional \$300,000, extend and amend the title of the existing Reserve Account for the City of Lomita;
 4. the City of Pasadena to extend the termination date for their Local Return funded project;
 5. extend the date of the existing Reserve Account for the City of Santa Monica; and
 6. extend the termination date, and amend the existing Reserve Account to add an additional \$3.5 million for the City of Temple City

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CONSENT CALENDAR CONTINUED
PLANNING AND PROGRAMMING COMMITTEE
(ITEM 12 – CONTINUED FROM PREVIOUS PAGE)

- C. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements between Los Angeles County Metropolitan Transportation Authority and the Cities for their Capital Reserve Accounts as approved.

- 13. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) approving the preliminary project funding strategy for the **2011 Countywide Call for Projects.**

- 14. PLANNING AND PROGRAMMING RECOMMENDED (3-0) approving Caltrans design and construction for the SR-2 Terminus and authorize the Chief Executive Officer to execute a **Contribution Agreement with Caltrans to transfer the TEA-21 Earmark Funds** and for Caltrans to reimburse Metro up to \$200,000 for future community outreach activities.

IV. DISCUSSION ITEMS 15 THROUGH 20

CONSTRUCTION COMMITTEE

- 15. CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to:
 - A. negotiate and execute a five-year indefinite delivery/indefinite quantity contract, Contract No. EN077, with ARCADIS U.S., Inc. as the most qualified proposer for **environmental waste handling and environmentally related construction services** to be authorized by contract work orders (CWO) for an amount not-to-exceed \$38 million, of which \$21.2 million will be for FY12 to FY14, inclusive of sales tax and two one-year options;

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DISCUSSION ITEMS CONTINUED
CONSTRUCTION COMMITTEE

(ITEM 15 – CONTINUED FROM PREVIOUS PAGE)

- B. establish Contract Modification Authority for 10% of the not-to-exceed contract award value and authorize the CEO to execute individual contract modifications within and up to the board approved contract modification authority;
- C. execute individual contract work orders within the board approved not-to-exceed contract value; and
- D. delegate to the CEO the authority to negotiate and execute a contract with the next most qualified proposer should staff be unable to conclude negotiations with ARCADIS U.S., Inc.

FINANCE AND BUDGET COMMITTEE

16. FINANCE AND BUDGET COMMITTEE RECOMMENDED(4-0) AS AMENDED:
[\[HANDOUT\]](#)

- A. approving the **Southern California Regional Rail Authority (SCRRA) FY 2011-12 Budget, and Los Angeles County Metropolitan Transportation Authority (MTA)'s Annual Work Program** contribution totaling \$51,718,314, consisting of \$40,063,700 for Operations; \$686,890 for Operations Contingency Fund; \$8,000,000 for Rehabilitation and Renovation; \$791,000 for New Capital; \$2,176,724 for Right of Way (ROW) Security; and approve the programming of funds to SCRRA as follows:
 - 1. \$49,106,824 in new Proposition C 10% funding for Operations, Rehabilitation and Renovation, and ROW Security;
 - 2. \$591,000 in new Measure R 3% funding for the Van Nuys North Platform and Raymer-Bernson projects; and,
 - 3. \$2,020,490 in Proposition C 10% funding reprogrammed from FY 2009-10 SCRRA operating surpluses, held by SCRRA on behalf of MTA.

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DISCUSSION ITEMS CONTINUED
FINANCE AND BUDGET COMMITTEE

(ITEM 16 – CONTINUED FROM PREVIOUS PAGE)

- B. approving the following action relating to the Lang Siding project:
 - 1. Reprogram \$200,000 in FY 2009-10 Proposition C 10% Metrolink operating surplus funds, held by SCRRA on behalf of MTA, to complete the Lang Siding Project.
- C. approving for FY 2011-12, a revised Transfers to Other Operators payment rate of \$0.90 per boarding to MTA.
- D. authorizing the Chief Executive Officer or his designee to negotiate and execute all necessary agreements between MTA and the SCRRA for the approved funding.

AMENDMENT: that the balance of the \$24.3 million in Measure R 3% be utilized for Los Angeles County Metrolink projects. including but not limited to the Antelope Valley Line.

MEASURE R PROJECT DELIVERY COMMITTEE

- 17. MEASURE R PROJECT DELIVERY COMMITTEE FORWARDED WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES:
 - A. authorizing the Chief Executive Officer to enter into a Funding Agreement with the Gateway Cities Council of Governments in an amount not to exceed \$200,000 for FY11 for **project delivery support services for I-710 South Corridor Project EIR/EIS**, Air Quality Action Plan, Intelligent Transportation Systems Implementation Plan for Goods Movement, West Santa Ana Branch Alternatives Analysis, I-605 Hot Spots Feasibility Study, and I-710 Utility Relocation Studies.
 - B. authorizing the execution of Third-Party Agreements with Southern California Edison and the U.S. Army Corps of Engineers to support Preliminary Engineering for the I-710 South Corridor Project EIR/EIS for a total amount for both agencies not to exceed \$700,000.

DISCUSSION ITEMS CONTINUED
OPERATIONS COMMITTEE

18. OPERATIONS COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to:
- A. establish a life-of-project budget for the purchase of up to **100 Compressed Natural Gas (CNG) composite buses** for the FY12 capital program including project contingency in the amount of \$70,430,000,
 - B. The Board finds that there is only a single source of procurement for forty-five foot CNG fueled composite buses and purchase is for the sole purpose of duplicating buses already in use. The Board hereby authorizes the purchase of up to 100 forty-five foot CNG fueled composite buses pursuant to Public Utilities Code section 130237.**
- Requires Two-Thirds Vote**
- C. negotiate and execute Option No. **2 3** to Contract OP33202082 with North American Bus Industries (NABI), to purchase up to 100 CNG high capacity composite buses for a price not to exceed \$67,500,000, increasing the total contract value from \$258,693,126 to \$326,193,126 inclusive of sales tax,
 - D. negotiate and execute modifications for this procurement in an amount not to exceed \$1,000,000, increasing the Total Contract Value from \$326,193,126 to \$327,193,126; and
 - E. amend the FY12 budget to include \$70.4 million in cost center #3320, project #201055, 100 Compo Bus Replacements.
19. CONSIDER:
- A. receiving and filing report on results of negotiation for 2012 rates for contract No. MC069 Stantec Consulting, Inc.;

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DISCUSSION ITEMS CONTINUED
OPERATIONS COMMITTEE

(ITEM 19 – CONTINUED FROM PREVIOUS PAGE)

- B. authorizing an increase to the total contract value for Contract MC069 with Stantec Consulting, Inc. to provide **construction management support services** in an amount not to exceed \$16,000,000 for the third year of a five year contract from \$21,500,000 to \$37,500,000; and,
 - C. authorizing the Chief Executive Officer to execute individual contract work orders and modifications within the Board approved contract value.
20. RECEIVE AND FILE report regarding the motion passed by the Los Angeles City Council approving the **Wilshire Bus Rapid Transit (BRT) Alternative A-1**, and urging that the Metro Board support Alternative A.

V. MISCELLANEOUS

- 21. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
- 22. 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.
- 23. 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 Regarding Potential Threats to Public Services or Facilities G.C. 54957:
Briefing by Sheriff Commander Pat Jordan.

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CLOSED SESSION ITEMS CONTINUED

- CS-2 Conference with Legal Counsel - Pending Litigation - G.C. 54956.9(a):
David Wong v. LACMTA, Case No.: BC440742

- CS-3 Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(c):
Initiation of Litigation (one case)

- CS-4 Conference with Labor Negotiator - G.C. 54957.6:
Agency Representative: Richard Hunt and designated staff
Employee Organizations: ATU, UTU, TCU, Teamsters

- CS-5 Personnel Matters - G.C. 54957
Public Employee Appointment
Consider appointment of Inspector General

ADJOURNMENT