

Thursday, September 26, 2013 9:30 AM

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:44 a.m.

Directors Present

- Diane DuBois, Chair
- Eric Garcetti, 1st Vice Chair
- Mark Ridley-Thomas, 2nd Vice Chair
- Michael Antonovich
- Mike Bonin
- Jacquelyn Dupont-Walker
- John Fasana
- Don Knabe
- Ara J. Najarian
- Zev Yaroslavsky
- Carrie Bowen, 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

1. **APPROVED Consent Calendar Items: 2, 14, 15, 16, 17, 25, 26, 28, 29, 30, **37, 38, 39, 49, 54, 55.**

Consent Calendar Items were approved by one motion except for items, 15 and 16 which were pulled by a Director for discussion and items 14 and 17 which were carried over for 30 days.

**** REQUIRES 2/3 VOTE**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

2. **APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held July 25, 2013.**

3. **RECEIVED Chair's Report.**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
P	A	P	A	P	P	P	P	A	P	A	P	P

4. **RECEIVED Chief Executive Officer's Report.**

a. **Progress and Status of the 3 P's (Response to Najarian Motion)**

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
P	A	P	A	P	P	P	P	P	P	A	P	P

JF = J. Fasana	ZY = Z. Yaroslavsky	MRT = M. Ridley-Thomas	MB = M. Bonin
PK = P. Krekorian	EG = E. Garcetti	AN = A. Najarian	
MA = M. Antonovich	DD = D. DuBois	GM = G. Molina	
PO = P. O'Connor	DK = D. Knabe	JDW = J. Dupont-Walker	

LEGEND: Y = YES , N = NO, C = CONFLICT, ABS = ABSTAIN, A = ABSENT, P = PRESENT
C = Soft Conflict; **C = Hard Conflict**

5. **AUTHORIZED** the Chief Executive Officer to **renew existing group insurance policies covering Non-Contract, AFSCME and Expo employees** for the one-year period beginning January 1, 2014.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	C	Y	Y	Y	Y	A	Y	Y

13. **APPROVED, AS AMENDED, the following actions for 2013 Countywide Call for Projects:**
- A. recommendations responding to the Technical Advisory Committee (TAC) motions regarding the 2013 Countywide Call for Projects (Call) and additional funding recommendations;
 - B. program \$199.39 million in eight modal categories. This amount also programs the 2012 Deobligations and the 2013 Call TAC reserve;
 - C. conditionally approve the 2013 Call subject to later review by the MTA Board of Directors once the impacts of State and the Southern California Association of Governments (SCAG) project selection processes are finalized for the Active Transportation Program;
 - D. amend the recommended 2013 Call Program of Projects into the FY 2013-2014 Los Angeles County Regional Transportation Improvement Program (Regional TIP);
 - E. administer the 2013 Call as a project-specific grant program with the requirement that project sponsors bear all cost increases;
 - F. authorize the Chief Executive Officer to administratively provide project sponsors with funding in earlier years than shown, if the project sponsor can demonstrate project readiness to proceed, has sufficient local match and such funds are available; and
 - G. adopt the resolution required by SCAG which certifies that Los Angeles County has the resources to fund the projects in the FY 2013-2014 Regional TIP and affirms its commitment to implement all of the projects in the program.

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AMENDMENT: NAJARIAN MOTION: That \$3 million be approved using Call deobligated funds for the City of Palmdale ITS project along Avenue R.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

14. CARRIED OVER TO OCTOBER 2013 DUE TO ABSENCES AND CONFLICTS:

- A. awarding 63 Contract Agreements under the **Countywide Planning Bench (RFIQ) No. PS4010-3041** with the contractors recommended for a three-year period with two one-year options beginning October 1, 2013 for professional services not to exceed a cumulative total value of \$30 million; and
- B. authorizing the Chief Executive Officer to execute individual task orders under the individual Bench Contracts for up to \$1,000,000 per task order.

15. APPROVED the **competitive grant program framework to fund a series of regional Open Streets events** in response to the June 27, 2013 Board directive (Motion 72).

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	A	A	A	Y	Y	Y	A	Y	A	Y	Y

16. AUTHORIZED:

- A. the Chief Executive Officer (CEO) to proceed with the **current phase of the project development process for all second and third decade Measure R Transit projects**, including, upon receiving authorization from the Federal Transit Administration, releasing Draft Environmental Impact Statements/Reports (EIS/EIRs) for public comment and selecting a Locally Preferred Alternative (LPA). Board authorization for future development phases would be conditioned upon full funding plans being identified for each project;

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- B. the CEO to proceed with the current phase of the project development process for all **Measure R Highway projects** including releasing Draft EIS/EIRs for public comment and selecting LPAs. Board authorization for future development phases would be conditioned upon full funding plans being identified for each project; and

CARRIED OVER TO OCTOBER 2013 FULL BOARD:

- ~~C. receiving and filing this report which responds to the June 2013 Board directive on the status of second and third decade Measure R projects (Motion 10.2A), and estimated completion dates of all Highway Projects (Motion 10.4).~~

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	A	Y	Y	Y	A	N	A	Y	Y

17. CARRIED OVER TO OCTOBER 2013 DUE TO ABSENCES AND CONFLICTS:

- A. awarding 25 contracts for the **Highway Programs Planning and Deliverables Bench RFIQ PS4730-3053** with the contractors recommended for a three year base period with two, one-year options beginning November 1, 2013 for professional services not to exceed a cumulative value of \$10 million; and
- B. authorizing the Chief Executive Officer to execute individual task orders under the individual Bench Contracts for up to \$1,000,000 per task order.

- 25. AWARDED ON CONSENT CALENDAR a **firm fixed price contract to Enterprise Electronic, Inc. as a sole source provider to procure eight duplex 160 MHz radio frequencies** for an amount not to exceed \$2,738,668, inclusive of sales tax. This amount also covers five years of as-needed labor support and five years of as-needed equipment support.

26. APPROVED ON CONSENT CALENDAR:

- A. increasing the **Life-of-Project (LOP) Budget for the Metro Blue Line Turnout Rehabilitation project, CP 205101, by \$650,000** increasing the LOP budget from \$2,350,000 to \$3,000,000; and
- B. awarding a firm fixed price **contract under Bid No. 13-0045 with Cleveland Track Material, Inc.**, the lowest responsive and responsible bidder, for the procurement of 13 right and 13 left hand rail turnout sets for an amount not to exceed \$1,739,339.

28. APPROVED ON CONSENT CALENDAR:

- A. awarding a firm fixed price **contract under Bid No. 13-0029 to Cummins Cal Pacific, LLC**, the lowest responsive and responsible bidder, for the procurement of up to 100 natural gas fueled engines for an amount not to exceed \$5,328,138 inclusive of sales tax; and
- B. authorizing the Chief Executive Officer to exercise option with Cummins Cal Pacific, LLC for 95 additional natural gas fueled engines, if required, for an amount not to exceed \$5,290,473 inclusive of sales tax.

29. AWARDED ON CONSENT CALENDAR a five-year firm fixed unit rate **contract under Bid No. OP31203099 with Hazardous Technologies, Inc.**, the lowest responsive and responsible bidder, for liquid waste removal services in an amount not to exceed \$4,052,200.00 inclusive of two one-year options.

30. APPROVED ON CONSENT CALENDAR

- A. the recommended revised **Stop Spacing Standards**; and
- B. receiving and filing the **Triennial System Monitoring Report** required by Title VI.

36. AUTHORIZED:

- A. the Chief Executive Officer to execute multiple change orders to **Contract No. C0882, with Kiewit Infrastructure West Company**, to increase funding for Contract Schedule C Provisional Items in an amount not to exceed \$55,871,261, increasing the total contract value from \$826,872,376 to \$882,743,637;
- B. increasing the authorized not-to-exceed value of **Contract Modification No. 75 by an additional \$153,295 for multiple change orders to Contract No. C0882, with Kiewit Infrastructure West Company**, to mitigate landslide conditions at Retaining Wall 1921. This will bring the total not-to-exceed authorized value for this work to \$3,533,295, increasing the Contract value from \$882,743,637 to \$882,896,932; and
- C. the Chief Executive Officer to execute multiple change orders to **Contract No. C0882, with Kiewit Infrastructure West Company, to settle Claim No. 51** for additional design and construction work associated with existing landslide conditions at Retaining Wall 2004, for the not-to-exceed value of \$4,509,171, increasing the Contract value from \$882,896,932 to \$887,406,103.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	C	A	Y	C	Y	Y	Y	Y	Y	Y	C

37. APPROVED, AS AMENDED, BY TWO-THIRDS VOTE ON CONSENT CALENDAR:

- A. finding that use of the **design-build process pursuant to Public Utilities Code Section 130242(a)** will achieve certain private sector efficiencies in the integration of the design, project work and components for the first 3.9 mile segment of the Westside Subway Extension Transit Corridor Project; and
- ~~B. authorizing the Chief Executive Officer to award the design-build contract for the Division 20 Maintenance and Storage Facilities Modifications.~~

38. APPROVED ON CONSENT CALENDAR an increase to the **Exposition Phase 1 Life of Project budget by \$39 million, increasing the project budget from \$932 Million to \$971 Million.** This recommendation is based on the updated forecast for the Long Range Transportation Plan approved by the MTA Board in June 2013.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
		C										

39. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to increase the **Contract Modification Authority for Contract No. PS116510023, Right-of-Way Acquisition and Relocation Services Bench (Bench) in the amount of \$3,300,000** from \$100,000 to \$3,400,000 for a total contract value of \$4,400,000, to cover the cost of any unforeseen tasks that may arise during the performance of the Bench.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
		C			C							

48. AUTHORIZED THE CHIEF EXECUTIVE OFFICER AS AMENDED to:
- A. execute a **Development Agreement with the City of Downey** for the installation of outdoor advertising signs on MTA property; and
 - B. amend the existing revenue contract with Allvision LLC to:
 - 1. clarify the terms of the revenue sharing arrangements between the parties; and
 - 2. identify an alternative development strategy option at MTA's option that was not specifically included in the original contract.

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AMENDMENT: ANTONOVICH AND DUBOIS MOTION AS AMENDED BY KNABE: that the Board direct the CEO to preserve all revenues generated by digital billboard contract for use by Metro Operations. As a first priority, this revenue is to be used for service improvements and enhancements within the corridor (subregion) where the billboard is located.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

49. ADOPTED ON CONSENT CALENDAR the **Title VI Program Update.**

50. AUTHORIZED:

- A. the Chief Executive Officer (CEO) to negotiate and execute **Contract Modification No. 34 to Contract No. PS0922102333, with Atkinson Contractors LP**, for additional account support, in an amount not to exceed \$1,000,000 increasing the Total Contract Price from \$87,096,680 to \$88,096,680. This action does not increase the Life-of-Project Budget;
- B. the CEO to execute **Contract Modification No. 35 to Contract No. PS0922102333 with Atkinson Contractors LP**, for contract extension and acceleration costs in the amount of \$2,769,206 increasing the total contract price from \$88,096,680 to \$90,865,886. This action does not increase the Life-of Project Budget;
- C. the CEO to execute **Contract Modification No. 36 to Contract No. PS0922102333 with Atkinson Contractors LP**, for a reduction of Contract Provisional Sum Line Items in an amount of (\$2,147,709), decreasing the total contract price from \$90,865,886 to \$88,718,177;
- D. the CEO to execute **Contract Modification No. 40 to Contract No. PS0922102333 with Atkinson Contractors LP**, for additional Mailing Costs in an amount not to exceed \$1,000,000, increasing the total contract price from \$88,718,177 to \$89,718,177; and

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- E. an increase in **Contract Modification Authority (CMA)** for **Contract No. PS0922102333** in the amount of \$2,335,035 increasing the total CMA from \$18,828,815 to \$21,163,850.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	C	A	Y	C	Y	Y	Y	Y	A	Y	Y

- 54. APPROVED ON CONSENT CALENDAR the **DUBOIS MOTION** that staff shall:

- A. communicate directly with the new California State Transportation Agency and request that the following projects be included in any list of PNRS transmitted to the Federal Highway Administration: Alameda Corridor East, the I-710 Corridor/Desmond Bridge; and the High Desert Corridor; and

- B. coordinate PNRS related activities, with the Regional CEO’s working group, Southern California representatives on the State Freight Advisory Committee and the National Freight Advisory Committee; Alameda Corridor East Construction Authority, and the Ports of Los Angeles and Port of Long Beach.

- 55. APPROVED ON CONSENT CALENDAR the **DUBOIS MOTION** that Staff return to this Committee, in October, with revised Public Input rules that maximize Public Input and provide this Board flexibility in conducting meetings.

- 56. CARRIED OVER TO OCTOBER 2013:

FASANA, MOLINA AND ANTONOVICH MOTION that Metro allocate \$500,000 to develop a “Mobility Matrix” for the sub-region. Funding for this work is available from the General Planning- Highways Department and is a fund type in their budget and is eligible for this work. With these funds, Metro staff will work with the staff of the SGVCOG and their Transportation Technical Advisory Group, as well as a consultant yet to be selected to complete the following tasks over the next 6 – 8 months:

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- A. identify and develop operational performance goals and objectives;
- B. use existing available data to assess existing baseline conditions and establish performance benchmarks; and
- C. establish vision and framework for short and long-term sub-regional transportation improvements.

57. AUTHORIZED:

- A. requiring the **cities of Burbank, Glendale, La Canada Flintridge, and the County Los Angeles to jointly develop a recommended project list that will allow the County to utilize its population share of the Measure R funds for the Arroyo Verdugo Subregion Highway Operational Funds;** and
- B. requiring that the distribution of County’s share of Measure R Arroyo Verdugo Subregion Highway Operational funds not impact the cities’ programmed share of these funds until after FY 2019.

(CARRIED OVER FROM JUNE BOARD MEETING)

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

58. APPROVED BY TWO-THIRDS VOTE:

- A. holding a public hearing on the proposed Resolution of Necessity; and
- B. adopting the Resolution of Necessity authorizing the commencement of an eminent domain action to **acquire Parcel HS-2701 (APN 4013-008-008)**, consisting of the real property and site improvements.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

59. APPROVED BY TWO-THIRDS VOTE:

- A. holding a public hearing on the proposed Resolution of Necessity; and
- B. adopting the Resolution of Necessity authorizing the commencement of an eminent domain action to **acquire Parcel SW-0003 (APN 4125-021-023 & 4125-021-028)**, consisting of the real property and site improvements.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

60. AUTHORIZED the Chief Executive Officer to establish a **bench of financial advisors with each of the recommended firms** in two categories as follows:

- A. Lead - KNN Public Finance, Montague DeRose, Public Financial Management
- B. Projects – Backstrom McCarley Berry & Co., Fieldman Rolapp & Associates, Lamont Financial Services Corporation, Mazyck Advisors LLC and NW Financial LLC, Public Resources Advisory Group, Sperry Capital

These contracts will be for six years inclusive of two one-year options for a total amount not to exceed \$5,300,000.

The Lead firms will rotate each two years, e.g., one year plus one year option, over the term of the bench on a retainer basis. Projects will be assigned on a task order basis.

(CARRIED OVER FROM JULY BOARD MEETING)

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	C	Y	Y	Y	Y	A	Y	C

61. **APPROVED the following nominee for membership on the Metro Gateway Cities Service Council:**

- A. Mayor Aja Brown, Metro Gateway Cities Service Council
 Nominated by: Gateway Cities
 Term Ending: June 30, 2016

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

62. **CLOSED SESSION:**

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

- 1. Alfonso Cisneros Rincon v. LACMTA, Case No. BC 466368

Authorized settlement of \$299,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

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

Significant Exposure to Litigation (One Case)

NO REPORT.

C. Conference with Real Property Negotiator – G.C. 54956.8

- 1. Property Description: Grand Central Square, 317 S. Broadway, Los Angeles, CA 90013

Agency Negotiator: Greg Angelo and Roger Moliere

Negotiating Party: Grand Central Square Limited Partnership

Under Negotiation: Terms

NO REPORT.

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- 2. Property Description: Parcel No. HS-2601
Agency Negotiator: Velma Marshall
Negotiating Party: City of Inglewood
Under Negotiation: Price

AUTHORIZED just compensation of \$1,000,000.

JF	PK	MA	PO	ZY	EG	DD	DK	MRT	AN	GM	JDW	MB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y

D. Public Employment – G.C. 54957

- 1. Title: Inspector General

NO REPORT.

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

Agency Representative: Don Ott
Employee Organizations: ATU, TCU, AFSCME, UTU and Teamsters

NO REPORT.

RECEIVED public comment.

ADJOURNED at 12:26 p.m.

Prepared by: Deanna Phillips, Board Specialist


Michele Jackson, Board Secretary