

Thursday, January 29, 2015 9:00 /

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:18 a.m.

Directors Present

- Eric Garcetti, Chair
- Mark Ridley-Thomas, 1st Vice Chair
- John Fasana, 2nd Vice Chair
- Michael Antonovich
- Mike Bonin
- Diane DuBois
- Jacquelyn Dupont-Walker
- Don Knabe
- Paul Krekorian
- Sheila Kuehl
- Ara J. Najarian
- Hilda Solis
- Shirley Choate, non-voting member

Officers

- Arthur T. Leahy, Chief Executive Officer
- Michele Jackson, Board Secretary
- Karen Gorman, Acting Ethics Officer
- Karen Gorman, Inspector General
- County Counsel, General Counsel



Metro

Los Angeles County
Metropolitan Transportation Authority

1. **APPROVED Consent Calendar Items: 2, 12, 13, 14, 20, 21, 22, 39, 40, 41, 42, 43, 51, **52, **53, 55, 70, 74, 72, 77, 78 and 80.**

Consent Calendar items were approved by one motion except for items 71, 72 and 80 which were held by a Director for discussion and/or separate action.

***Item requires 2/3 vote*

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	A	Y	Y	Y	A	Y	Y	Y	Y	Y

2. **APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held on December 4, 2014.**

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

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	P	A	A	P	P	P	A	P	P	P	P	P

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

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	P	A	P	P	P	P	A	P	P	P	P	P

MA = M. Antonovich	MB = M. Bonin	DD = D. DuBois	AN = A. Najarian
PK = P. Krekorian	JF = J. Fasana	JDW = J. Dupont-Walker	
PO = P. O'Connor	EG = E. Garcetti	HS = H. Solis	
SK = S. Kuehl	MRT = M. Ridley-Thomas	DK = D. Knabe	

LEGEND: Y = YES, N = NO, C = HARD CONFLICT, S = SOFT CONFLICT ABS = ABSTAIN, A = ABSENT, P = PRESENT

7. **APPROVED Motion from Ad-Hoc Sustainability Committee by Director Pfeffer that staff:**

- A. work through the Mobility Matrices to identify projects eligible for Cap-and-Trade; and
- B. determine how Metro can be of help to the sub-regions in working with the disadvantaged communities.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

12. **APPROVED ON CONSENT CALENDAR:**

- A. establishing **Proposition C Local Return funded Capital Reserve Account** for the City of South El Monte;
- B. approving additional funds of \$400,000 to the existing reserve of \$1,650,000 and extension of three years for the City of Redondo Beach Proposition C Local Return Capital Reserve Account; and
- 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. **APPROVED ON CONSENT CALENDAR:**

- A. adopting the **Investment Policy**;
- B. approving the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA officials; and
- C. delegating to the Treasurer or his/her designee, the authority to invest funds for a one year period, pursuant to California Government Code (the Code) Section 53607.

14. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute **Modification No. 1 to Contract No. PS71203061 with Carahsoft Technology Corporation** to replace the current end-of-life Customer Relationship Management system in an amount not to exceed \$735,000 increasing the total contract value from \$396,054 to \$1,131,054.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
						C						

20. APPROVED ON CONSENT CALENDAR the **updated Measure R Highway Subregional Program Project list** to include the proposed 2015 Call for Projects local match.

21. AUTHORIZED ON CONSENT CALENDAR:

- A. the Chief Executive Officer to reinstate \$8,375,000 in programming authority to **increase the total FY 2014-15 Metrolink rehabilitation and renovation program** to \$16,375,000; and
- B. the Chief Executive Officer, or his designee, to negotiate and execute all agreements necessary for this action.

22. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to enter into the following documents and agreements, each in substantial accordance with the Summary of Key Terms and Conditions:
 - 1. a Second Revised Amended and Restated **Joint Development Agreement with MacArthur Park Metro, LLC, or another development entity created by McCormack Baron Salazar**, for the development of the second phase of a mixed-use project which consists of:

(Continued on next page)

(Item 22 – continued from previous page)

- a. 81 affordable apartments, an unrestricted property manager’s apartment, 6,000 to 12,000 square feet of retail space and 83 structured parking spaces on Metro’s 1.8-acre Westlake/MacArthur Park Metro Red/Purple Line station site; and
 - b. the closure of the existing north portal to the Westlake/MacArthur subway station and its adjoining, subterranean access, and the construction of a new “replacement” subway portal at Westlake Avenue, subject to appropriate construction, engineering and operational approvals.
2. a 68-year ground lease with MPM, MPM Apartments II, L.P. or another development entity created by McCormack Baron Salazar, and other documents and agreements to implement the Phase B Project, including, without limitation, licenses, utility easements, covenants and dedications.
- B. adopting the California Environmental Quality Act (CEQA) Findings and authorizing the Chief Executive Officer to file a Notice of Determination with respect to the Phase B Project under CEQA within five days after Board action.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
			C			C						

23. APPROVED AS AMENDED:

- A. awarding \$5,000,000 in **Transit Oriented Development Grants** to the 10 recommended jurisdictions; and
- B. authorizing the Chief Executive Officer or designee to execute Grant Agreement for the funds.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

23.1 APPROVED AS AMENDED Motion by Directors DuBois, Knabe and Ridley-Thomas that the Board instruct the CEO and Metro Staff to increase the funding allocated in this fourth cycle by \$1,325,000 to fully fund the "Total Unfunded Need" category as identified in the staff report.

NAJARIAN AND ANTONOVICH AMENDMENT that:

- A. the CEO direct MTA staff to coordinate with and schedule an appeal process with TAC for this and all future TOD grant rounds; and
- B. MTA staff report back to the Planning and Programming Committee in March 2015 on the appeal process for Board approval.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

24. APPROVED AS AMENDED:

- A. changes to **Metro Subregional Planning Area Boundaries for South Bay Cities to align with South Bay Cities Council of Governments boundaries;**
- B. creation of new Metro Regional Facilities Planning Area for major Los Angeles County airports, seaports, and Los Angeles Union Station;
- C. amending the Measure R Cost Containment Policy, adding a new Section 11 to ensure that Measure R funded projects located in the Regional Facilities Planning Area (i.e., the Crenshaw Line's 96th Street Station) are not the responsibility of subregional agencies; and
- D. the use of these new boundaries in Metro plans, studies, and potential ballot measure proposals.

(Continued on next page)

(Item 24 – continued from previous page)

DUBOIS, KNABE AND NAJARIAN MOTION that the MTA Board:

- A. approve the staff recommendation as it pertains to the South Bay COG, Westside and LAX Boundary restoration;
- B. instruct Staff to return to the Board with an analysis of additional regional facilities and projects that fall into the Regional Facilities Planning Area;
- C. If those projects are Interstates, freeways or highways or other state-owned/operated facilities that fall outside of Metro control, instruct Staff to pursue the development of a cost sharing program for overruns including a methodology for both Caltrans, the State of California and MTA to determine a new step-by-step evaluation of project costs against possible resources to address project shortfalls. Shortfalls that cannot be addressed at the project level by value engineering or other measures, such as changes in the scope of the project, will be subject to further collaborative value engineering by the parties involved;
- D. instruct Staff to report back to this Board on a quarterly basis on progress made with these policy revisions beginning in June of 2015; and
- E. approve that highway sub regional funding will not be subject to the Unified Cost Management Process and Policy for Measure R Projects as adopted until an acceptable process is determined. Until a new policy is developed for highway, examine each on a case by case basis.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

39. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer to award a two-year, firm fixed price contract under **Bid Number 15-0003 to Extreme Safety, the single responsive and responsible bidder for Item 4, Cellulose Paper Towels.** The contract one-year base amount is \$571,494 inclusive of sales tax, and the one-year option amount is \$571,494 inclusive of sales tax for a total contract amount of \$1,142,988.
40. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer to award a two-year, firm fixed price contract under **Bid Number 14-0034 to the following lowest responsive and responsible bidders for bus brake parts** for a total amount of \$1,067,831 inclusive of sales tax:
- A. NABI Parts LLC for line item 1 (Rotor – Disc Brake, Front & Rear) for a one-year base amount of \$158,781 inclusive of sales tax and a one-year option amount for \$158,781 inclusive of sales tax for a total contract value of \$317,562; and
 - B. JIT Truck Parts, LLC for line item 2 (Kit – Disc Pad) for a one-year base amount of \$367,417 inclusive of sales tax and a one-year option amount of \$382,852 inclusive of sales tax for a total contract value of \$750,269.
41. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer to award a two-year, firm fixed price contract under **Bid Number 15-0002 to Patten Energy, Inc., the lowest responsive and responsible bidder for engine oil.** The contract one-year base amount is \$997,633 inclusive of sales tax, and the one-year option amount is \$1,028,692 inclusive of sales tax for a total contract amount of \$2,026,325.
42. **AUTHORIZED ON CONSENT CALENDAR** the Chief Executive Officer to award a five-year, firm fixed unit rate contract, **PS1779633673325 to Conejo Crest Landscape, Inc., the lowest responsive, responsible bidder, to provide herbicide application services throughout Metro Right-of-Way and transit facilities** in an amount not to exceed \$1,915,506.05, inclusive of two, one-year options, effective March 1, 2015. This award is pending resolution of any timely protest.

43. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 7 to Contract No. OP33442421 for **Graffiti Abatement Services to Woods Maintenance Services, Inc.**, in the amount of \$1,365,000 increasing the not-to-exceed contract value from \$4,252,763 to \$5,617,763. This contract provides on-going graffiti abatement services throughout Metro properties. This modification extends the period of performance through August 31, 2015.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
						C						

45. APPROVED Motion by Directors Garcetti, Dupont-Walker, Knabe and Solis that the Board instruct the CEO to:

- A. develop specific recommendations for increasing competition for Inventory, Maintenance, and Professional Services solicitations;
- B. consult with the FTA on whether the definition of adequate competition should have a higher threshold;
- C. examine the suitability of posting MTA's informal solicitations on the MTA website;
- D. examine the feasibility of mandatory goals for Request For Proposals subject to Metro's SBE Program; and
- E. report back to the Operations Committee in 60 days on the above.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

51. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute Modification No. 19 to Contract No. PS4350-1995, **Facilitation of Community Participation Metro Westside Extension, with The Robert Group Inc. to provide continued public outreach support services for Section 2 of the Westside Purple Line Extension Project**, in an amount not to exceed \$250,000 increasing the total Contract Value from \$3,485,813 to \$3,735,813. This modification extends the period of performance through July 31, 2015.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
			C	C		C						

52. APPROVED ON CONSENT CALENDAR BY TWO-THIRDS VOTE:
- 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 second section (2.55 miles) of the **Westside Purple Line Extension Project**; and
 - B. further finding that the use of the design-build process pursuant to Public Contract Code 20209.5 et seq. will reduce project costs, expedite project completion and provide for design features not achievable through the design-bid-build method.
53. APPROVED ON CONSENT CALENDAR BY TWO-THIRDS VOTE:
- A. finding that **awarding a design-build contract** pursuant to **Public Utilities Code Section 130242(a)** will achieve certain private sector efficiencies in the integration of the design, project work and construction of the **Non-Revenue Maintenance Shops**. The Board hereby authorizes contracting for Non-Revenue Maintenance Shops pursuant to Public Utilities Code Section 130242; and
 - B. authorizing the Chief Executive Officer to award a design-build contract for the construction of the Non-Revenue Maintenance Shops pursuant to Public Utilities Code section 130242(b).

54. APPROVED increasing the **Life of Project Budget for Capital Project 204133 Escalator Replacement/Modernization at Metro Red Line Pershing Square Station** by \$8,256,000 from \$12,500,000 to \$20,756,000.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
A	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

55. APPROVED ON CONSENT CALENDAR:

A. the recommendation that LACMTA and Caltrans work with the Southern California Regional Rail Authority to construct the remaining drainage on the **Interstate-5/State Route 14 Capacity Enhancement Project** utilizing remaining funds from the project; and

B. authorizing the Chief Executive Officer or his designee to negotiate and execute all agreements necessary for these actions.

67. ~~WITHDRAWN: RECEIVE quarterly update on Veterans Hiring Initiative.~~

70. ADOPTED ON CONSENT CALENDAR the **Proposed 2015 Federal and State Legislative Program.**

71. CARRIED OVER TO FEBRUARY REGULAR BOARD:

A. authorizing the Chief Executive Officer to execute Modification No. 2 to Contract No. PS71303218 with Buchanan, Ingersoll & Rooney to provide **federal consulting services** for a period of 12 months in the firm fixed price amount of \$120,000, increasing the total contract value from \$120,000 to \$240,000; and

B. adding Contract Modification Authority to Contract No. PS71303218 for future changes in the amount of \$120,000.

72. APPROVED **Substitute Motion by Director Krekorian** to authorize the CEO:

- A. to enter into a non-competitive service agreement with Google, Inc. for a 12-month pilot program to place **revenue-generating advertising on Metro’s website, metro.net;**
- B. within 12 months, to go out with an RFP which includes lessons learned from the pilot study; and
- C. review options for increasing revenue on the website and report back to the Board.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	Y	A	Y	Y	Y	A	A	Y	Y	A	Y	Y

77. APPROVED ON CONSENT CALENDAR **Motion by Directors Antonovich, Ridley-Thomas, Knabe, Kuehl and Solis** that the Los Angeles County Metropolitan Transportation Authority Board of Directors:

- A. encourage Los Angeles County to show their support to have the 2022-2024 World’s Fair occur in Los Angeles County.
- B. direct the CEO to work with the World’s Fair to develop a relationship between the Los Angeles World’s Fair, FPC and the MTA and to bring requests to the Board as they arise to further a cooperative effort to bring the World’s Fair to Los Angeles County.

78. APPROVED ON CONSENT CALENDAR modifying the **Funding Agreements between Expo and Foothill Construction Authorities** to allow for an increase in Betterment funding for Expo Phase 2 in the amount of \$450,000 and Foothill Extension Phase 2A in the amount of \$3,000,000. This funding increase will be used for ADA improvements and for additional Metro Betterments that are enhancements to the requirements of the 2010 Metro Design Criteria used at the time of bid for these two projects.

79. RECEIVED joint oral report from Outfront Media (formerly CBS Outdoor) and Metro on **potential additional revenue sources under the current contract.**

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
P	P	A	P	P	P	P	P	P	P	P	P	P

- 79.1 APPROVED **Substitute Motion by Director Antonovich** that the Metro Board directs the CEO to exercise the next one-year option (for Calendar Year 2016) with Outfront Media.

And that the Metro Board direct the CEO to provide quarterly updates to the Board on the contract performance of Outfront Media, specifically regarding the contractor's timely implementation of new opportunities (e.g. bike rack advertising space and digital kiosks) as described in its January 2015 presentation to the Metro Executive Management Committee.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	Y	A	Y	Y	N	Y	N	N	Y	Y	N	N

80. APPROVED **REVISED Motion by Directors Garcetti and Kuehl** that the Board instruct the CEO to:

A. work with the County of Los Angeles and the City of Los Angeles, and in coordination with the Exposition Construction Authority to prepare an analysis of the Westwood Greenway project including project benefits, detailed capital and ongoing maintenance costs, and project delivery options.

B. work with the County of Los Angeles and the City of Los Angeles to identify funding sources for the design and construction of the project;

(Continued on next page)

(Item 80 – continued from previous page)

C. provide an oral report at the March 2015 Executive Management Committee on the progress of the feasibility analysis and identification of possible funding sources; and

D. report to the Ad Hoc Sustainability Committee within one year of the Westwood Greenway’s completion with recommendations on the feasibility of including similar sustainable storm water treatment features in future MTA projects.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	Y	A	Y	Y	Y	Y	A	Y	Y	Y	Y	Y

81. **CLOSED SESSION:**

A. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9(d)(1):

1. Masoumeh Ashouri et al. v LACMTA, LASC Case BC513817 and Barbara Rooks v. LACMTA, LASC Case No. BC525321

AUTHORIZED settlement in the amount of \$4,900,000 to Masoumeh Ashouri and \$500,000 to Barbara Rooks.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	C	A	Y	Y	Y	C	Y	Y	Y	Y	Y	Y

2. James Floyd v. LACMTA, LASC Case No. TC027309

AUTHORIZED settlement of \$310,000.

MA	PK	PO	SK	MB	JF	EG	MRT	DD	JDW	HS	DK	AN
Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

(Continued on next page)