

MINUTES/ PROCEEDINGS

2

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to Order at 9:57 a.m.

Directors present:

Zev Yaroslavsky, Chair
Frank Roberts, 1st Vice Chair
James Hahn, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
Don Knabe
Tom LaBonge
Gloria Molina
Pam O'Connor
Beatrice Proo
Antonio Villaraigosa

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



Metropolitan Transportation Authority

Metro

NOTE: Members voting are reflected on the attached "RECAP OF PROCEEDINGS" matrix.

1. APPROVED Consent Calendar Items: 2, 7, 18, 19, 22**, 23, 28, 34B & C, 38, 39, and 40

Items 6, 12, 13, 27, 30, 34A and 36 were removed from Consent Calendar.

NOTED Committee Authority Items: 31- 32

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held May 27, 2004 and Special Board Meeting held June 7, 2004.

3. RECEIVED Chair's Report

Chair Yaroslavsky reflected on his term as Chair of the Board. He remarked that it has been a joyride except for a few days in October/November. He summarized the accomplishments of his Chairmanship as follows: the 10-mile pilot program on Wilshire Blvd., the Expansion of the Rapid Line, the opening of the Gold Line, the construction of the Orange Line transitway in the San Fernando Valley, receipt of federal full funding grant agreement for the Metro Gold Line's Eastside Extension. He thanked CEO Snoble, Deputy CEO Catoe and staff for their hard work and support. He stated it has been a team effort. He also expressed his appreciation to his deputy Samantha Bricker.

- Election of Officers

ELECTED Director Molina as 2nd Vice-chair of the Board

4. RECEIVED Chief Executive Officer's Report

- Extension of the TEA-21 Bill to July 21
- Governance Council Annual meeting
- Status update on Outplacement Assistance by Don Ott, Executive Officer, Administration

6. APPROVED:
 - A. the MTA's \$40,181,000 financial contribution to **the FY 2004-05 Southern California Regional Rail Authority (SCRRA) Preliminary Budget** consistent with Board action on the MTA Budget on June 7th, 2004; and
 - B. the reprogramming of:
 1. \$630,500 in FY 2001-02 SCRRA operations, rehabilitation and renovation funding to projects as described; and
 2. \$457,400 in FY 2002-03 operations, rehabilitation and renovation funding to projects as described.

7. APPROVED ON CONSENT CALENDAR adopting:
 - A. findings and recommendations for using **FY 2004-05 TDA Article 8 fund estimates** totaling \$15,948,475 as follows:
 1. In the Cities of Avalon and Santa Clarita, there are unmet transit needs that are reasonable to meet. Therefore, TDA Article 8 funds will be used to meet these unmet transit needs as described. The allocations are \$99,381 and \$4,876,230 for Avalon and Santa Clarita, respectively.
 2. In the Antelope Valley, which includes the Cities of Lancaster and Palmdale, and in the Los Angeles County unincorporated areas of Antelope Valley, Santa Clarita Valley and Catalina Island, transit needs are met using other funding sources, such as Propositions A and C Local Return. Therefore, there are no unmet transit needs that are reasonable to meet, because other funding sources will be used to address these needs. Thus, TDA Article 8 funds may be used for street and road purposes. The allocations for the Antelope Valley are \$3,774,663 and \$3,807,590 (Lancaster and Palmdale, respectively). The allocation for Los Angeles County Unincorporated is \$3,390,611 as described.
 - B. a resolution making a determination of unmet public transportation needs in the areas of Los Angeles County outside the MTA service area.

12. CARRIED OVER FOR 30 DAYS the **updated MTA Debt Policy and Interest Rate Swap Policy**.
13. APPROVED award of a five-year firm fixed unit rate Contract No. PS4625-1522, to ComPsych Corporation for **Employee Assistance Program Services** for an amount not to exceed \$794,052 inclusive of two one-year options effective October 1, 2004.
18. APPROVED ON CONSENT CALENDAR award of five-year indefinite quantity requirements fixed-fee Contract No. PS0452101506 to Bank of New York Western Trust Company for **custody, compliance reporting and performance measurement services** for an amount not to exceed \$482,083 inclusive of two one year options, effective August 1, 2004.
19. APPROVED ON CONSENT CALENDAR negotiation and award of an **Excess Liability Insurance program** for METRO liability exposures, other than major construction projects, at a cost estimated not to exceed \$5,640,000 for a 12-month period beginning August 1, 2004 through July 31, 2005.
20. APPROVED amending the FY04 budget to appropriate **\$23.9 million of General Fund right-of-way lease revenues to the Enterprise Fund**. AS AMENDED BY VILLARAIGOSA
Amendment: Staff to add projections and forecasts to the quarterly reports, provide a monthly status report, and reinstate the mid-year budget amendment process.
21. APPROVED an increase for an amount not to exceed \$5,765,000 to Contract No. EN069 with CH2M Hill Constructors, Inc. (CCI), to provide **environmental waste handling services** for Fiscal Year 2005, increasing the total contract not-to-exceed (NTE) value from \$12,130,000 to \$17,895,000.

22. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE OF THE BOARD:
- A. finding that award of **design-build contracts pursuant to Public Utilities Code Section 130242(a)** will achieve for the MTA certain private sector efficiencies in the integration of the design, project work and components related to the real property renovation, repair and construction work at MTA facilities in Los Angeles County; and
 - B. solicitation and award of design-build contracts for renovation, repair and construction at MTA facilities, pursuant to Public Utilities Code Section 130051.9 (c).
23. APPROVED ON CONSENT CALENDAR MOLINA AND VILLARAIGOSA MOTION that the **MTA Board rescind its action of December 4, 2003**, which created a temporary contingency fund for the Eastside Extension of the Gold Line.
27. APPROVED award of a 24-month contract under Bid 04-0010 to BP West Coast Products LLC, the lowest responsive and responsible bidder for **Ultra-Low Sulfur Diesel Fuel** for an amount not to exceed \$14,127,502, inclusive of sales tax.
28. APPROVED ON CONSENT CALENDAR execution of an agreement with the California Highway Patrol (CHP) to provide **field officer and dispatch support to the Los Angeles County Metro Freeway Service Patrol (FSP)** during FY05 in the amount of \$600,000.
30. APPROVED LABONGE, FASANA, AND PROO MOTION that the Board direct MTA staff to work with Southern California Regional Rail Authority (SCRRA) staff to explore **new opportunities to reduce air quality emissions from Metrolink operations** and report back to the Board within 90 days on issues and potential options.

31. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a firm fixed-price Contract No. OP33201516 to First Transit, Inc. for **articulated bus inspection services** for 200 CNG, sixty-foot buses for an amount not to exceed \$273,445, for a period of two years, effective July 1, 2004.

32. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY award of a five-year, time and materials Contract No. OP33441513 to Ace Crane Service, Inc. to provide **overhead cranes maintenance and repair services on an “as needed” basis**, for an amount not to exceed \$202,750, inclusive of two one-year options, effective July 1, 2004.

33. CLOSED SESSION:

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

1. MTA v. Travelers CV 03-9277 MMM

APPROVED settlement involving payment to MTA for disputed charges. Details will be made available when final agreement is signed.

2. Argonaut Insurance v. MTA BC 156601

NO REPORT

B. Conference with Real Property Negotiators concerning Price and/or Terms of Payment - (G.C. 54956.8)

Division 10 Expansion Project

Negotiator: Velma Marshall

1.

Parcel No.	Owner	Address
WI-201	Peter Damico, Vincent Gacchina, and the Gacchina Family Trust	Bounded by Mission Road to the NW, Golden State (5) freeway to the NE, San Bernardino (10) freeway to the SE, Cesar Chavez Ave. to the SW

INSTRUCTED real property negotiator with regard to offer for properties required for Division 10 expansion.

2.

Parcel No.	Owner	Address
WI-100	Arnold W. & Ruth Carlson, Trustees of the Arnold & Ruth Carlson Family Trust	Bounded by Mission Road to the NW, Golden State (5) freeway to the NE, San Bernardino (10) freeway to the SE, Cesar Chavez Ave. to the SW

INSTRUCTED real property negotiator with regard to offer for properties required for Division 10 expansion.

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

Agency Negotiators: Roger Snoble and Brenda Diederichs
Employee Organizations: ATU and TCU.

NO REPORT.

34. APPROVED AS AMENDED BY YAROSLAVSKY adopting the following **position on State Legislation:**

- A. AB 712 (Liu) – Would create the Metro Foothills Gold Line Construction Authority with a board structure of seven voting members. **OPPOSE – UNLESS AMENDED (to include a 5-member board and that MTA remain the sole recipient of federal funds).**

Amendment: Authorize the Chief Executive Officer to work with all interested parties to explore other alternatives and develop consensus on AB 712.

FASANA substitute motion to adopt a position of NEUTRAL - FAILED

APPROVED ON CONSENT CALENDAR adopting the following **positions on State Legislation**:

- B. Proposed language to create Regional Authority for Investment in Transportation (RAIT). Legislation has been proposed by the Southern California Association of Governments (SCAG) that would authorize the creation of RAITs. The RAITs would be charged with responsibilities currently retained by the LACMTA. At this point SCAG has indicated that this language will be amended into an as yet unidentified bill. **OPPOSE – RAIT LANGUAGE AS PROPOSED**
 - C. AB 2628 (Pavley) – Would allow hybrid vehicles, or advance technology partial zero-emission vehicles (AT PZEV), to use high-occupancy vehicle (HOV) lanes regardless of the number of occupants. **SUPPORT SEEK AMENDMENTS**
35. APPROVED execution of Amendment No. 8 to Contract No. PS-9240-0681 with Shared Technologies, **to provide telephone maintenance system service** for a period of one month, in the amount not to exceed \$12,831 increasing the total contract value from \$544,475 to \$557,306.
36. APPROVED the use of \$11.3 million of General Fund right-of-way lease revenues to fund the 208,250 hours of **Consent Decree service** to be implemented in FY05, as ordered by the Special Master.
37. APPROVED VILLARAIGOSA REVISED MOTION to **eliminate allow use of the Soto and Cesar Chavez site as a temporary staging area until required for joint development.**
38. APPROVED ON CONSENT CALENDAR LABONGE MOTION that staff report to the Operations Committee in August on the feasibility of developing a program that would identify the locations on railroad bridges and tunnels that are used by Metro and Metrolink trains with the **appropriate aesthetically pleasing logos** to heighten motorists' awareness of the various transportation options available in the region, which they fund through transportation tax revenues.

39. APPROVED ON CONSENT CALENDAR LABONGE MOTION that staff report to the Operations Committee on the feasibility of developing a **Sunday family day pass**.
40. APPROVED ON CONSENT CALENDAR LABONGE MOTION that staff report to the Operations Committee on the feasibility of **converting the end car on the Metro Red Line subway to allow bicycles without any restrictions**.
41. APPROVED:
- A. appointing Goldman Sachs & Co. and Morgan Stanley as **co-senior managing underwriters and remarketing agents for one or more series of auction rate securities**; and
 - B. appointing Goldman Sachs & Co. and Morgan Stanley as co-senior managing underwriters, with Goldman Sachs & Co. to serve as the bookrunning underwriter, and the following firms to serve as co-managing underwriters in the event one or more fixed rate bond series are issued: E.J. De La Rosa & Co., Jackson Securities, Inc., Loop Capital Markets, and LLC, Backstrom McCarley Berry & Co., LLC to transact a refunding of the General Revenue Bonds, Series 1996-A in a negotiated sale.
42. ADOPTED ordinance regulating the **MTA's contractor pre-qualification program**.
43. APPROVED BY A 2/3 VOTE OF THE BOARD:
- 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 ES-602 for the Eastside Light Rail Transit Project –Indiana Street Station**.

RECEIVED public comment.

ADJOURNED in memory of Robert J. Coffey, Jr., husband of Dana Coffey, General Manager of South Bay Service Sector and Robert E. Ott, father of Don Ott, Executive Officer, Administration.

Prepared by: Christina Lumba-Gamboa
Recording Secretary


Michele Jackson
Board Secretary

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY REGULAR BOARD MEETING THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING													
ITEM NO.	SUBJECT ITEM	O'CONNOR	A	P	P	P	P	P	P	P	P	P	P	P	A
	<u>ACTION TAKEN</u>														
1	APPROVE CONSENT CALENDAR ITEMS: 2, 7, 18, 19, 22***, 23, 28, 34B & C, 38, 39 and 40 ITEMS 6, 12, 13, 27, 30, 34A AND 36 WERE REMOVED FROM THE CONSENT CALENDAR. REQUIRES 2/3 VOTE OF THE BOARD **	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	NOTED COMMITTEE AUTHORITY ITEMS: 31- 32														
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD MAY 27, 2004 AND SPECIAL BOARD MEETING HELD JUNE 7, 2004.														
3	CHAIR'S REPORT Ø ELECTION OF OFFICERS	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY REGULAR BOARD MEETING THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING														
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	O'CONNOR	LUDLOW	MOLINA	ANTONOVICH	HAHN	ROBERTS	YAROSLAVSKY	BURKE	FASANA	KNABE	PROO	VILLARAIGOSA	LABONGE	WONG
4	CHIEF EXECUTIVE OFFICER'S REPORT Ø STATUS UPDATE ON OUTPLACEMENT ASSISTANCE.	RECEIVED	P	A	P	P	P	P	P	P	P	P	P	P	P	A
6	APPROVE: A. THE MTA'S \$40,181,000 FINANCIAL CONTRIBUTION TO THE FY 2004-05 SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (SCRRA) PRELIMINARY BUDGET CONSISTENT WITH BOARD ACTION ON THE MTA BUDGET ON JUNE 7TH, 2004; AND	APPROVED	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
 REGULAR BOARD MEETING
 THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ATTENDANCE	DIRECTORS VOTING															
ITEM NO.	SUBJECT ITEM		P	A	P	P	P	P	P	P	P	P	P	P	P	
		ACTION TAKEN	O'CONNOR	LUDLOW	MOLINA	ANTONOVICH	HAHN	ROBERTS	YAROSLAVSKY	BURKE	FASANA	KNABE	PROO	VILLARAIGOSA	LABONGE	WONG
6	B. THE REPROGRAMMING OF: 1. \$630,500 IN FY 2001-02 SCRRA OPERATIONS, REHABILITATION AND RENOVATION FUNDING TO PROJECTS AS DESCRIBED; AND 2. \$457,400 IN FY 2002-03 OPERATIONS, REHABILITATION AND RENOVATION FUNDING TO PROJECTS AS DESCRIBED.															

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS
LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING																		
ITEM NO.	SUBJECT ITEM		P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
		<u>ACTION TAKEN</u>																		
7	<p>ADOPT:</p> <p>A. FINDINGS AND RECOMMENDATIONS FOR USING FY 2004-05 TDA ARTICLE 8 FUND ESTIMATES TOTALING \$15,948,475 AS FOLLOWS:</p> <p>1. IN THE CITIES OF AVALON AND SANTA CLARITA, THERE ARE UNMET TRANSIT NEEDS THAT ARE REASONABLE TO MEET. THEREFORE, TDA ARTICLE 8 FUNDS WILL BE USED TO MEET THESE UNMET TRANSIT NEEDS AS DESCRIBED. THE ALLOCATIONS ARE \$99,381 AND \$4,876,230 FOR AVALON AND SANTA CLARITA, RESPECTIVELY.</p>	APPROVED ON CONSENT CALENDAR																		

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING													
ITEM NO.	SUBJECT ITEM	P	A	P	P	P	P	P	P	P	P	P	P	P	
7	2. IN THE ANTELOPE VALLEY, WHICH INCLUDES THE CITIES OF LANCASTER AND PALMDALE, AND IN THE LOS ANGELES COUNTY UNINCORPORATED AREAS OF ANTELOPE VALLEY, SANTA CLARITA VALLEY AND CATALINA ISLAND, TRANSIT NEEDS ARE MET USING OTHER FUNDING SOURCES, SUCH AS PROPOSITIONS A AND C LOCAL RETURN. THEREFORE, THERE ARE NO UNMET TRANSIT NEEDS THAT ARE REASONABLE TO MEET, BECAUSE OTHER FUNDING SOURCES WILL BE USED TO ADDRESS THESE NEEDS. THUS, TDA ARTICLE 8 FUNDS MAY BE USED FOR STREET AND ROAD PURPOSES. THE ALLOCATIONS FOR THE ANTELOPE VALLEY ARE \$3,774,663 AND \$3,807,590 (LANCASTER AND PALMDALE, RESPECTIVELY). THE ALLOCATION FOR LOS ANGELES COUNTY UNINCORPORATED IS \$3,390,611 AS DESCRIBED.														
	<u>ACTION TAKEN</u>														
		O'CONNOR	LUDLOW	MOLINA	ANTONOVICH	HAHN	ROBERTS	YAROSLAVSKY	BURKE	FASANA	KNABE	PROO	VILLARAIGOSA	LABONGE	WONG

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS
LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
THURSDAY, JUNE 24, 2004

DIRECTORS VOTING

ITEM NO.	ATTENDANCE	SUBJECT ITEM	ACTION TAKEN	DIRECTORS VOTING													
				P	A	P	P	P	P	P	P	P	P	P	P	A	
7		B. A RESOLUTION MAKING A DETERMINATION OF UNMET PUBLIC TRANSPORTATION NEEDS IN THE AREAS OF LOS ANGELES COUNTY OUTSIDE THE MTA SERVICE AREA.		O'CONNOR	LUDLOW	MOLINA	ANTONOVICH	HAHN	ROBERTS	YAROSLAVSKY	BURKE	FASANA	KNABE	PROO	VILLARAIGOSA	LABONGE	WONG
12		ADOPT THE UPDATED MTA DEBT POLICY AND INTEREST RATE SWAP POLICY.	CARRIED OVER FOR 30 DAYS	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
13		AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO AWARD A FIVE-YEAR FIRM FIXED UNIT RATE CONTRACT NO. PS4625-1522, TO COMPSYCH CORPORATION FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES FOR AN AMOUNT NOT TO EXCEED \$794,052 INCLUSIVE OF TWO ONE-YEAR OPTIONS EFFECTIVE OCTOBER 1, 2004.	APPROVED	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	C	Y	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

