

Thursday, January 27, 2005 - 9:30 A.M.

MINUTES

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to order at 10:03 a.m.

Directors present:

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

Officers

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



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

1. APPROVED Consent Calendar Items: 2, 8, 10, 12, 16, 20, 21, 35, 36 and 37**

**Requires 2/3 vote of the Board

Items 7 and 11 were removed from Consent Calendar.

NOTED Committee Authority item 30

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held December 13, 2004.

3. RECEIVED Chair’s Report

- Adjourned in memory of Jackie Waters, wife of Inspector General William Waters, and Marion Bohlke, mother of Mike Bohlke, Transportation Deputy to Director Yvonne B. Burke
- Presented Resolutions of Tribute to Board Member Pam O’Connor and Deputy Mike Bohlke

4. RECEIVED Chief Executive Officer’s Report

CEO Snoble:

- extended heartfelt condolences to the families and friends of those who perished or were injured in the Metrolink disaster and expressed sincere gratitude to the Fire and Sheriff’s Departments for their coordinated and thorough work at the scene; Mr. Snoble said that Metro buses are providing temporary service between Burbank and Glendale Metrolink Stations
- Presented Metro Safety video and announced that at New York Festival International TV Cinema and Radio Advertising Awards, Metro’s Community Relations Department Rail Safety production entitled “Hey, Look, Listen Up, Stay Alive” is being honored with a Gold Medal for the best original music and lyrics in the public service announcement category
- M3 Audit. Director Burke requested that the draft of the audit be given simultaneously to the Inspector General and the CEO prior to coming to Executive Management and Audit Committee

7. APPROVED AS AMENDED BY MOLINA AND BURKE MOTION:

- A. adopting the **Draft Final Report on the I-710 Major Corridor Study** between the Ports of Los Angeles/Long Beach and SR-60 Pomona Freeway; and
- B. authorizing the Chief Executive Officer to proceed with the **preparation of a scope of work and funding plan that will include funding commitments from multiple partners for the** environmental phase of the project pursuant to the Major Corridor Study's Locally Preferred Strategy and use input from the I-710 Community Advisory Committees in the environmental scoping process. **The scope of work should also include assessment of impacts to the I-710/SR-60 interchange and evaluation of alternative project delivery methods.**

MOLINA/BURKE MOTION that the Board:

- 1) Adopt the draft final report on the I-710 major corridor study;
 - 2) Direct MTA staff to report back to the Board with the results of the east Los Angeles mini-study and that results be included into the locally preferred strategy prior to initiating scoping for the EIR/EIS;
 - 3) Receive the Tier II report to be accepted and utilized as pre-scoping guidance for the EIR/EIS; and
 - 4) Direct the MTA CEO, with the assistance of our state and federal advocates, to work with the appropriate governmental and non-governmental agencies to form a multi-jurisdictional entity to coordinate the appropriate aspects of the project, including identification of a funding plan with funding sources from multiple partners; and upon formation, the multi-jurisdictional partnership be tasked with identifying strategies for achieving near-term improvements to the corridor's air quality and that the strategies be identified prior to initiation of the EIR/EIR request for proposals
8. APPROVED ON CONSENT CALENDAR adopting the proposed **Los Angeles Countywide Intelligent Transportation Systems (ITS) Policy and Procedures.**
10. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to enter into a six-month Exclusive Negotiation Agreement with Vermont/Santa Monica Metro Red Line Station, LLC for the **development of approximately 1.2 acres of MTA owned properties** located adjacent to the Vermont/Santa Monica Metro Red Line Station.

11. AUTHORIZED UNDER RECONSIDERATION:
 - A. certification of the **Addendum/Modified Initial Study to the Final Environmental Impact Report (FEIR)**, as revised by the Board on December 13, 2004, for the San Fernando Valley East-West Transit Corridor (now known as the Metro Orange Line) for: (a) the construction of an additional park-and-ride lot (North Parking Lot) on Metro-owned property just north of the previously-approved Canoga Station and Park and Ride Lot; and, (b) the modification of a small portion of a planned pedestrian path along Chandler Boulevard;
 - B. the Chief Executive Officer to file a Notice of Determination of the Addendum/Modified Initial Study with the Los Angeles County Clerk; and
 - C. the development of the North Parking Lot and authorizing the Chief Executive Officer to include this within the design/bid/build construction contract to be awarded for the previously approved one-third mile extension of the Orange Line, landscaping, bicycle and pedestrian paths to the new station and park-and-ride lot to be located on the Boeing site and Metro right-of-way.

12. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
 - A. accept a Community Based Planning Grant from CALTRANS for a total of \$191,636 **to prepare a La Brea Light Rail Station Area/Community Linkages Plan;**
 - B. enter into an Agreement with Transportation and Land Use Collaborative of Southern California (the sub-recipient of the grant) to prepare a La Brea Light Rail Station Area/Community Linkages Plan in coordination with Metro; and
 - C. amend the FY05 budget to reflect the increase in revenues and expenditures.

16. APPROVED ON CONSENT CALENDAR:
 - A. adopting the updated **LACMTA Investment Policy;**
 - B. 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; and

- C. the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA officials.

17. APPROVED the **Los Angeles County Metropolitan Transportation Authority Fiscal Year 2006 Financial Standards**

Revised Amendments:

- Financial Standards General G12 – be amended to include that the EMAC, as the audit committee for the MTA, will provide input and approve the audit workplan. Furthermore, completed audits will be submitted to the CEO and to the Board through EMAC.
- Financial Standards Planning Parameters –B6 “ . . .FTE’s will be held- at or below FY2005 level adjusted for service expansion
- Financial Standards Planning Parameters – B8 “Capital projects in excess of **\$5 million** shall be presented separately for life-of-project approval by the Board”.

18. APPROVED in concept **proposed legislative language pertaining to our procurement processes**, contribution and financial interest limits, and post employment restrictions **AS AMENDED** by Director Yaroslavsky. **SUPPORT**

Amendment: Delete Item 7 – “CEO award of contracts” leaving the current CEO contract authority unchanged.

19. APPROVED:

- A. receiving and filing report of Procurement’s **comparative analysis of procurement manuals from other agencies and Sandia National Laboratories**; and
- B. rewriting the Procurement manual.

Amendment to Chapter 14.7 Section O of the Procurement Manual: . . .the level of review required for approval of the modifications shall be determined based on the “NET” value.

20. APPROVED ON CONSENT CALENDAR amending Board policy GEN-34, “Metro System Advertising: Revenue-Generating & Informational”, **to allow revenue-generating advertising to be posted on the exteriors of Metro Rapid vehicles.**

21. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute a 10-year revenue contract with Transit Television Network to install, operate, maintain, and sell **advertising on a passenger information system** (consisting of small video screens on the bus fleet) in exchange for a minimum annual payment of \$100,000 or ten percent of gross advertising revenues, whichever is greater.

24. **CLOSED SESSION:**

A. Conference with Real Property Negotiators Concerning Price and/or Terms of Payment – G.C. 54956.8:

Negotiator: Velma Marshall

1. Parcel ES-551A and ES-551B
Metro Gold Line Eastside Extension Project

APPROVED settlement in the amount of \$1.325 million.

2. MTA & Catellus Development Corporation

NO REPORT

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation – Chief Executive Officer

NO REPORT

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

1. Robinson v. MTA SC080118

APPROVED settlement in the amount of \$350,000

2. CUNA Mutual Life Insurance v. MTA BC171223

APPROVED settlement in the amount of \$1.6 million.

3. Alvarado v. MTA et. al. BC325499

NO REPORT

4. COST v. MTA B179799

APPROVED settlement in the amount of \$350,000

Added by a 2/3 vote of the Board to obtain advice from Counsel.

5. Tutor Saliba v. MTA Case No. BC 123559

NO REPORT

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

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

NO REPORT

28. APPROVED YAROSLAVSKY SUBSTITUTE MOTION:

A. ~~approving the transfer of \$19.2 million of local funds from the capital program to the operating program; and~~

B. ~~amending the **FY05 budget to add up to \$8.2 million of General Fund revenues to the Enterprise Fund for additional bus operations fuel costs and up to \$8 million of Proposition A 35% funds** for rail operations.~~

YAROSLAVSKY SUBSTITUTE MOTION:

Proceed with operational cuts immediately and defer all other cuts to February; direct staff to report back to the Board with reduction in force associated with capital projects.

30. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY:
- A. execution of a Contract Modification to Contract No. H1100, Union Switch and Signal, Inc. (US&S), to provide **compensation for delays and inefficiencies as part of a global settlement agreement** to resolve all disputes between the Los Angeles County Metropolitan Transportation Authority (LACMTA) and US&S, including but not limited to, all current and future delay claims in an amount not to exceed \$992,000, increasing the total contract value from \$62,298,586 to \$63,290,586;
 - B. an increase in the Authorization for Expenditure (AFE) for Contract No. H1100 to provide funding for the Contract Modification for an amount not to exceed \$770,000, increasing the current AFE from \$62,520,743 to \$63,290,743; and
 - C. execution of a Mutual Release and Settlement Agreement between LACMTA and US&S, incorporating the terms of the Contract Modification described in Item A above and mutual release of all claims.
35. APPROVED ON CONSENT CALENDAR adopting the updated **Transit Service Policy**.
36. APPROVED ON CONSENT CALENDAR:
- A. an approximate \$4.02 million increase to the life of project budget for the **Division 1 Expansion project**, thereby increasing the life of project budget from \$7.5 million to \$11.5 million; and
 - B. amending the FY05 budget to add \$2.8 million of federal funds as appropriated for this project by the Bus Operations Subcommittee and \$700,000 of local match.

37. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE OF THE BOARD:
- A. Finding that the **Metro Red Line Segment 1 Remote Terminal Units** (RTU's) consist of highly specialized telecommunications and other related electronic equipment, such that the procurement qualifies under Public Utilities Code section 130238 for procurement by competitive negotiation. Using this methodology, staff will solicit a package of system hardware, design, and installation services to be provided by a system Integrator; and
 - B. the process for technical evaluation of proposals, identification of qualified sources, and selection for contract award. These procedures are consistent with and based upon MTA's existing Procurement Policies and Procedures.
38. APPROVED the **Ordinance establishing procedures for processing construction change orders**. The ordinance was presented for a first reading at the December 13, 2004 Board meeting. The attached ordinance is as presented in December except that it includes the change ordered by the Board that the MTA estimating unit be organizationally independent of the head of construction.
39. RESCINDED the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire Assessor Parcels No. 5410-009-016; 5410-010-001, 001, 013, 014, 015, 016, 017, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029 and 30 for the planned construction and operation of the **Division 10 Bus Facility Expansion Project**.
40. APPROVED the following nominees for membership on the **Westside/Central Service Sector Governance Council**:
- Carlos Collard: Santa Monica Big Blue Bus
 - Gregory J. Fisher: Transportation Deputy, Councilwoman Jan Perry, City of Los Angeles
41. APPROVED REVISED FASANA MOTION - that the Board of Directors direct staff to report back to the Board at the next Operations Committee **and Executive Management and Audit Committee** meetings on the **cost of providing Orange Line service within the organization versus the cost of contracting out the operation of the services, maintenance of vehicles, and the maintenance of the Right of Way and fixed guideway**.

42. **Added subsequent to posting by 2/3 vote of the Board.**

APPROVED HAHN MOTION - that the LACMTA Board of Directors direct staff to immediately take the following actions: 1) conduct an immediate and comprehensive review of all MTA rail lines and determine what, if any, additional safety measures should be put into place to protect rail passengers, automobiles and pedestrians and report back to the MTA Board within 30 days; and 2) reprioritize the MTA legislative program to advocate for increased funding for transit safety measures including, but not limited to, at grade rail crossing barriers and grade separations.

RECEIVED public comment.

Prepared by: Christina Lumba-Gamboa
Recording Secretary

Michele Jackson
Board Secretary