

MINUTES

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to Order at 9:48 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
Zev Yaroslavsky

Officers

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



Metro

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

1. APPROVED Consent Calendar Items: 2, 6, 7, 8, 9**, 10, 16, 18, 19, 23, 24, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52 and 56**

Items 34 and 50 were removed from Consent Calendar.

**REQUIRES 2/3 VOTE OF THE BOARD

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board meeting held February 24, 2005.

3. RECEIVED Chair's Report.

Presented resolution to outgoing Director Beatrice Proo.

4. Chief Executive Officer's Report - NONE

6. APPROVED ON CONSENT CALENDAR:

- A. receiving and filing a review of the proposal developed for the Board of Directors to approve programming of **\$60 million in available funds that Congress has provided and staff has identified**; and
- B. approving conceptually the proposed programming of \$60 million in available federal, state, and/or local funds to regional projects.

7. APPROVED ON CONSENT CALENDAR:

- A. **funding of \$4 million in local Proposition C 10% bond funds and \$14 million of available federal state, and/or local funds for eligible deferred elements of the Metro Gold Line Eastside Extension including:**
 1. additional traction power substations
 2. additional ticket vending machines

3. possible parking structure at Pomona Boulevard and Atlantic Boulevard
 4. urban design enhancements including, but not limited to, pedestrian safety, landscaping and multi-modal interface elements next to each station, portal, catenary, station and power substations.
 - B. establishing a new project (800288) and adopting a life of project budget of \$18 million for the items listed above; and
 - C. amending the FY05 Budget to add \$450,000 for FY05 expenditures.
8. APPROVED ON CONSENT CALENDAR:
- A. transfer of the previously authorized \$16,500,000 allowance from **Metro Orange Line Project Budget (800112) to Canoga Station/Park-and-Ride Project Budget (800117)**;
 - B. funding of \$8,500,000 in local Proposition C 10% funds for eligible project costs for the Canoga Station/Park-and-Ride Facility;
 - C. negotiation and execution of an agreement with the City of Los Angeles to fully fund the Canoga Avenue widening; and
 - D. adoption of the Canoga Station/Park-and-Ride life of project budget of \$26,000,000.
9. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE OF THE BOARD:
- A. finding that awarding a design/build contract pursuant to Public Utilities Code Section 130242(a) will achieve for the Los Angeles County Metropolitan Transportation Authority (Metro), among other things, certain private sector efficiencies in the integration of the design, project work, and construction of Soundwall on State Route 134 between Louise Street and Harvey Drive in the City of Glendale;
 - B. solicitation of a **design-build contract for Soundwall on State Route 134 between Louise Street and Harvey Drive in the City of Glendale**, pursuant to Public Utilities Code Section 130051.9(c); and
 - C. the Life of Project Budget of \$11.423 million.

10. APPROVED ON CONSENT CALENDAR:

- A. an additional \$500,000 of available federal, state, and/or local funds for the Douglas Street Gap Closure Project;
- B. a “Line of Credit,” with interest, of up to \$3 million for the City of El Segundo, utilizing up to 15 years of its future allocations of Proposition A and Proposition C Local Return funds for repayment; and
- C. a Memorandum of Understanding with the City of El Segundo for the Line of Credit.

11. CARRIED OVER ANTONOVICH MOTION:

Whereas, an Exclusive Negotiation agreement (ENA) is now being considered for development of the Taylor Yards site; and

Whereas, this ENA is in response to an unsolicited proposal that was made for the development of the Taylor Yards site; and

Whereas, a Request for Proposals (RFP) may yield better alternatives for development of this parcel in terms of cost, density, value, future ridership, and other performance measurements; and

Whereas, it is the intent of the Metro Board of Directors to maximize the value and utility of developments through requesting RFP’s as opposed to unsolicited proposals,

I Therefore move that the Board direct staff to solicit bids for the development of this site through an RFP, and make every effort to report back to the Board on competing alternatives that are acceptable to the Board as close as possible to the July 2005 Board meeting.

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

- A. ACA 4 (Plescia and Harman) – Would remove the suspension clause from Proposition 42 funds – **SUPPORT**
- B. ACA 10 (Nunez) – Would protect Proposition 42 funds – **SUPPORT WORK WITH AUTHOR**

- C. SCA 7 (Torlakson) – Would require loans of motor vehicle fuel revenues to be repaid with interest if the repayment is not within the next budget year – **SUPPORT**
- D. AB 1010 (Oropeza) - Would transfer Grade Crossing approvals from the Public Utilities Commission to Caltrans – **SUPPORT WORK WITH AUTHOR**
- E. AB 1067 (Frommer) – Would expand the amount of Grade Separation violations that can be imposed – **SUPPORT WORK WITH AUTHOR**

16-F APPROVED AS AMENDED BY YAROSLAVSKY:

- F. SB 851 (Murray) – Would streamline LACMTA procurement process – **SUPPORT SEEK AMENDMENT**

Amendment: Raise the threshold to be consistent with Federal requirements.

18. APPROVED ON CONSENT CALENDAR funding of:

- A. Contract No. PS-2020-1051, with Dr. Dan Eisenstein for **geotechnical and tunneling consulting** as a member of the Tunnel Advisory Panel for an amount not to exceed \$193,965 effective May 1, 2005; and
- B. Contract No. PS-2020-1055, with Dr. Geoffrey Martin for geotechnical and tunneling consulting as a member of the Tunnel Advisory Panel for an amount not to exceed \$39,600 effective May 1, 2005.

For a total amount not to exceed \$233,565.

- 19. APPROVED ON CONSENT CALENDAR award of a five-year unit rate contract No. PS05542009 to Images in Foil for an amount not to exceed \$8.5 million, inclusive of three one-year options, effective April 1, 2005, for **fare media production services**.

20. CLOSED SESSION:

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

1. Panaga v. MTA EC037499

APPROVED settlement in the amount of \$325,000.

2. Dorado v. MTA Case No. BC307285

APPROVED settlement in the amount of \$1,750,000.

3. Labor Community Strategy Center vs. MTA CV 94-5936

NO REPORT.

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

Exposure to Litigation (multiple cases) - NO REPORT.

C. Personnel Matters – G.C. 54957:

1. Public Employee Discipline/Dismissal/Release

NO REPORT.

2. Public Employee Performance Evaluation – Inspector General

NO REPORT.

3. Public Employee Performance Evaluation – General Manager

NO REPORT.

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

Agency Negotiators: Roger Snoble and Brenda Diederichs

Employee Organizations: ATU, TCU, UTU

NO REPORT.

23. APPROVED ON CONSENT CALENDAR award of a five-year contract to Dexia Credit Local and BNP Paribas to **provide a \$350 million direct pay letter of credit** for an amount not to exceed \$3,140,000 including legal fees and other related expenses.

24. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate and award **All Risk Property insurance policy**, excluding terrorism coverage, and Boiler and Machinery insurance policy for all Metro property for a cost not to exceed \$4,750,000 for a 12-month period effective May 10, 2005 to May 10, 2006.

25. AUTHORIZED the Chief Executive Officer to execute modification No. 1 to Contract No. PS04511001 with PricewaterhouseCoopers, to **provide additional National Transit Database audits for local transit agencies** in the amount of \$450,000 increasing the total contract value from \$1,596,367 to \$2,046,367.

34. CARRIED OVER approval of the following modifications to Contract No. PS9240-1264 with Spear Technologies:
 - A. increase the **Maintenance and Materiel Management System (M3) life-of-project budget by \$4.5 million** from \$28.8 million to \$33.3 million, primarily due to a contract modification resulting from schedule delays to accommodate Kiosk implementation, a change in the bus division roll-out-plan, the 2003 work stoppage and additional Metro labor resulting from the schedule extension;
 - B. amend the FY05 budget to transfer \$1.7 million of revenues and expenditures from the Enterprise Fund operating budget to the capital budget and to add \$2.8 million of Prop A 35% Rail Funds; and
 - C. authorize the Chief Executive Officer to execute contract modification number 7 to Contract No. PS-9240-1264 with Spear Technologies for a firm fixed price of \$2,648,651, less the amount funded by Board delegated authority of \$1,050,366, and authorize an additional delegated authority of \$100,000, increasing the total contract value from \$20,876,212 to \$22,574,497.

35. APPROVED ON CONSENT CALENDAR award of a five-year contract to Diversified Landscape Company for an amount not to exceed \$3,796,496, inclusive of two one-year options and a 10% contingency for as-needed additional services effective April 1, 2005, for **landscape maintenance services** for Metro bus and rail transit stations, facilities and rights-of-way.
36. APPROVED ON CONSENT CALENDAR award of a 24-month fixed unit rate contract under Bid Number 05-0001 with Valley Power Systems, the lowest responsive, responsible bidder for the purchase of \$1,440 **Transmission Overhaul Kits** for an amount not to exceed \$4,561,049.
37. APPROVED ON CONSENT CALENDAR award of a 24-month, firm fixed-price contract under Bid Number 05-0003R to Gale Supply, the lowest, responsive, responsible bidder for **Toilet Paper** – Kimberly Clark, lines 1 and 2 on the bid tabulation, for an amount not to exceed \$228,870 inclusive of sales tax and a one-year option.
38. APPROVED ON CONSENT CALENDAR execution of Contract Modification to Contract No. OP33443130 with Mitsubishi Electric & Electronics USA, Inc. for an amount not to exceed \$1,121,662 inclusive of a 15% contingency, increasing the total contract value from \$12,469,660 to \$13,591,322 to **provide elevator/escalator repair and maintenance services for transit facilities**.
39. APPROVED ON CONSENT CALENDAR execution of fourteen **Metro Freeway Service Patrol** contracts for a total amount not to exceed \$21,189,567, inclusive of a 7% contingency, to the following contractors:

<u>Beat</u>	<u>Contractor</u>	<u>Amount</u>	<u>Contract Period</u>
27	Panorama Towing, San Fernando	\$1,667,584	07/01/05 –06/30/08
29	Classic Club Service, Van Nuys	\$1,681,890	07/01/05 –06/30/08
30	Frank Scotto Towing, Torrance	\$1,471,113	07/01/05 –06/30/08
33	TG Towing, Canyon Country	\$1,231,652	08/01/05 –07/31/08
34	TG Towing, Canyon Country	\$1,178,032	08/01/05 –07/31/08
37	Hadley Towing, Whittier	\$1,536,250	08/01/05 –07/31/08
1	South Coast Towing, Los Angeles	\$1,846,040	09/01/05 –08/31/08

5	Classic Club Service, Van Nuys	\$1,503,251	09/01/05 –08/31/08
9	Tip Top Tow, Santa Monica	\$1,654,406	09/01/05 –08/31/08
13	Tow Masters, Los Angeles	\$1,729,864	09/01/05 –08/31/08
21	California Coach, Walnut	\$1,500,020	10/01/05 –09/30/08
28	Navarro’s Towing, Monterey Park	\$1,340,500	10/01/05 –09/30/08
11	Hadley Towing, Whittier	\$1,225,122	10/01/05 –09/30/08
43	Frank Scotto Towing, Torrance	\$1,623,843	10/01/05 –09/30/08
	Total amount not to exceed	\$21,189,567	

40. APPROVED AS AMENDED BY BURKE:

- A. certifying that:
 1. the Final Environment Impact Report (FEIR) (distributed to the Board on CD in Board packets) for the **West Los Angeles Transportation Facility and Sunset Avenue Project**, including the comments, responses to comments, and corrections and additions to the draft EIR are in compliance with the California Environmental Quality Act (CEQA);
 2. the FEIR was presented to the Board of Directors;
 3. the Board reviewed and considered the information contained therein; and
 4. the Board’s decision based on the FEIR, the staff report, and public testimony reflects the Board’s independent judgment and analysis;
- B. adopting the West Los Angeles Transportation Facility as the Project;
- C. adopting the Statement of Findings that the West Los Angeles Transportation Facility is the Environmentally Preferred Alternative;
- D. adopting the Mitigation Monitoring and Reporting Plan (MMRP) for the Project, and pursuant to Section 21081.6 of the California Public Resources Code, finding that the MMRP is adequately designed to ensure compliance with the mitigation measures during project implementation;
- E. certifying, in its role as a Co-Lead Agency with respect to the Sunset Avenue Project, that it has independently considered and reached its own conclusions regarding the environmental effects of the proposed Sunset Avenue Project, and has determined that the document adequately addresses the environmental impacts of the proposed project and finds that the FEIR has complied with the requirements of the CEQA; and
- F. authorizing the Chief Executive Officer to file a Notice of Determination.

Amendment: To implement the Reduced Impact Alternative (150 buses).

41. APPROVED ON CONSENT CALENDAR increasing the life of project budget for **Crossing Gate Equipment Replacement Project** by \$402,128, from \$836,000 to \$1,238,128.
42. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **Gold Line Warehouse – Equipment and Storage Project** by \$500,000, from \$1,267,000 to \$1,767,000.
43. APPROVED ON CONSENT CALENDAR establishing a new life of project budget for the FY06 **Bus Mid-Life Rebuild Program** in the amount of \$12,000,000.
44. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **CalState and LA County/USC Busway Station Enhancement Project** (CP# 202011) by \$820,500, from \$1,430,900 to \$2,251,400.
45. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **Division 4 Expansion Project** by \$910,000, from \$1,611,000 to \$2,521,000.
46. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **New Division 9 Transportation Building and Facility Improvements Project** by \$8,495,000, from \$8,005,000 to \$16,500,000.
47. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **Permanent Restrooms at Selected Facilities Project** (CP#202010) by \$454,000, from \$1,126,000 to \$1,580,000.
48. APPROVED ON CONSENT CALENDAR increasing the life of project budget for the **Division Lighting Program** (CP# 202009) by \$360,000, from \$838,000 to \$1,198,000.

49. APPROVED ON CONSENT CALENDAR revised **LUDLOW MOTION** that the LACMTA Board of Directors direct staff to report back at the **April** Operations Committee meeting on the following, but not limited to: 1) a detail map that depicts the original Metro Bus Line 107 with an overlay of the new alternative line(s), including transfers; 2) a comparison on Metro Bus Line 107 passenger boardings to the new alternative line(s) passenger boardings; and 3) fiscal and time impacts to passengers on Metro Bus Line 107 and the new alternative line(s) – e.g. cost and time from Point A to Point B.
50. CARRIED OVER, DUE TO CONFLICTS AND ABSENCES, authorizing the Chief Executive Officer to proceed with the following actions to support the **Mid-City/Exposition Transit Corridor project schedule**:
- A. amend the FY05 budget to add \$500,000 to the Exposition project for a total Life of Project budget, through FY05 Preliminary Engineering, of \$18.3 million;
 - B. negotiate and execute Change Order 4 to Contract Work Order (CWO) 7 to Contract PM022 Project Management Assistance (PMA) with URS Corporation for an amount not to exceed \$440,000, increasing the total CWO funding value from \$235,000 to \$675,000; extend the period-of-performance from May 31, 2005 to May 31, 2006 in order to complete the work; and
 - C. approve \$43.75 million for FY06 activities to support the Exposition project schedule, which will increase authorized expenditure authority through FY06 to a total not to exceed \$62.35 million.
51. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to program up to:
- A. \$2.14 million in supplemental funding for the **State Route 1 – Loyola Marymount University (LMU) Drive to Fiji Way** Widening project using Proposition C 25% funds, increasing the total cost of the project from \$7.407 million to \$9.547 million;
 - B. \$4.9 million in supplemental funding for the **Interstate 405 Southbound High Occupancy Vehicle (HOV) lane from Waterford to Interstate 10** using a combination of available federal, state, and/or local funds, increasing the total construction cost from \$32 million to \$36.9 million; and

- C. \$1.8 million in supplemental funding for the Interstate 405 Northbound Gap Closure project between the Greenleaf Off-ramp and Ventura Boulevard using Proposition C 25% funds, increasing the total cost of the project from \$43.9 million to \$45.7 million.

52. APPROVED ON CONSENT CALENDAR:

- A. HEI/GC Hollywood & Vine, LLC as the entity that will own and be responsible for the development and operation of the hotel/condominium portion of the proposed **transit-oriented joint development project at the Metro Red Line Hollywood & Vine Station site (“Station Site”)**, subject to completion of typical due diligence with respect to the proposed entity to staff’s reasonable satisfaction;
- B. Legacy Partners 2480 LLC as the entity that will own and be responsible for the development and operation of the apartment portion of the proposed transit-oriented joint development at the Station Site, subject to completion of typical due diligence with respect to the proposed entity to staff’s reasonable satisfaction; and
- C. authorized the Chief Executive Officer to enter into the following documents having revised terms as set forth in the Board report:
 - 1. a joint development agreement (“JDA”) with HEI/GC Hollywood & Vine, LLC (“HEI/GC”) and Legacy Partners 2480 LLC (“Legacy”) for the development of the Station Site;
 - 2. ground leases, grant deeds and easements (including reciprocal easement agreements), with HEI/GC and Legacy as contemplated in the JDA; and
 - 3. those other agreements necessary to allow development of the Station Site as contemplated in the JDA, the ground leases, the grant deeds and the easements (including any reciprocal easement agreements).
- D. entering into a revised exchange of real estate rights in accordance with the provisions of Attachment D; and
- E. Findings and Restatement of Overriding Considerations, in accordance with the California Environmental Quality Act (“CEQA”).

56. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE OF THE BOARD:
- A. receiving and filing report notifying the Board that the Chief Executive Officer has awarded Contract No. OP39201648 to U.S. Energy Systems in the amount of \$375,000 to **provide UPS batteries for the Red Line System** as an immediate remedial measure in accordance with Public Utility Code Section 130235;
 - B. finding that there is only a single source of procurement for warranty replacement of Red Line System Uninterruptible Power Supply batteries, and purchase is for the sole purpose of replacing UPS batteries already in use; and authorizing purchase of the UPS batteries pursuant to Public Utilities Code section 130237; and
 - C. execution of Modification No. 1 to Contract No. OP39201648 with U.S. Energy Systems to provide for removal, supply and installation of UPS batteries for an amount not to exceed \$1,125,000, increasing the total contract value from \$375,000 to \$1,500,000.
57. AWARDED a five-year contract to Bank of America N.A. to provide a \$150 million **direct pay letter of credit** for an amount not to exceed \$1,340,000, including legal fees and other related expenses.
58. APPROVED the following nominees for membership on the **San Fernando Governance Council**:
- Coby King: Alternate Board member of the IJPA for the San Fernando Valley Transit Zone (re-appointment).
 - Jesus Ochoa: Mass Transit Consumer (re-appointment).
 - Dr. Richard Arvizu: West Hills, Associate Vice President of Administrative Services, Los Angeles Mission College (re-appointment)
59. APPROVED the following nominees for membership on the **Gateway Cities Governance Council**:
- Larry R. Nelson: Councilmember, City of Artesia (re-appointment).
 - Jacqueline Rynerson: Lakewood, Community Activist Mass Transit Consumer (re-appointment).

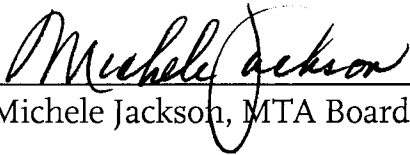
- Wally Shidler: Walnut Park Unincorporated Area, Mass Transit Consumer (re-appointment)

60. APPROVED the following nominee for membership on the **San Gabriel Valley Governance Council**:

- D. Barton Doyle, former Mayor of Sierra Madre replacing Councilmember David Spence.

RECEIVED public comment.

Prepared by: Christina Lumba-Gamboa
Recording Secretary


Michele Jackson, MTA Board Secretary

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, MARCH 24, 2005

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING												
ITEM NO.	SUBJECT ITEM	O'CONNOR	LUDLOW	FASANA	MOLINA	BURKE	HAHN	ROBERTS (CHAIR)	ANTONOVICH	YAROSLAVSKY	KNABE	REYES	LABONGE	WONG
	<u>ACTION TAKEN</u>													
1	APPROVE CONSENT CALENDAR ITEMS: 2, 6, 7, 8, 9**, 10, 16, 18, 19, 23, 24, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52 AND 56** **REQUIRES 2/3 VOTE OF THE BOARD ITEMS 34 AND 50 WERE REMOVED FROM CONSENT CALENDAR	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD FEBRUARY 24, 2005.													

