

# CORRECTED MINUTES\*

Regular Board Meeting  
Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

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Called to Order at: 9:10 a.m.

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Directors Present:

Don Knabe, Chair  
Antonio Villaraigosa, 1<sup>st</sup> Vice Chair  
Michael Antonovich, 2<sup>nd</sup> Vice Chair  
Diane DuBois  
John Fasana  
José Huizar  
Richard Katz  
Gloria Molina  
Ara J. Najarian  
Pam O'Connor  
Mark Ridley-Thomas  
Mel Wilson  
Zev Yaroslavsky  
Michael Miles, non-voting member

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Officers

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



Los Angeles County  
Metropolitan Transportation Authority

**Metro**

\*Correction appears on Item 13, page 11. Vote of Director Ridley-Thomas was changed to "Abstain."

Pledge of Allegiance

Reading of the Agenda

**I. PRESENTATIONS/SET MATTERS**

S-1. Chair’s Report – none.

S-2. RECEIVED Chief Executive Officer’s Report.

➤ POSTPONED Presentation on High Speed Rail by Roelof van Ark.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
A	P	A	P	P	A	P	A	A	P	P	P	P	

**II. BOARD OF DIRECTORS ITEMS 1-3**

1. ~~**RIDLEY-THOMAS MOTION regarding Crenshaw/LAX Transit Corridor: Leimert Park/Vernon Station and Undergrounding Park Mesa Heights.**~~

~~Move that the Metro Board:~~

~~A. Redirect monies to fund the inclusion of a Leimert Park/Vernon Station and undergrounding the segment of the alignment from 48<sup>th</sup> to 59<sup>th</sup> Streets within the City of Los Angeles, for the Crenshaw/LAX Transit Corridor.~~

(Continued)

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MW = M. Wilson	AN = A. Najarian	RK = R. Katz	JF = J. Fasana
JH = J. Huizar	MA = M. Antonovich	DD = D. DuBois	
PO = P. O’Connor	DK = D. Knabe	MRT = M. Ridley-Thomas	
ZY = Z. Yaroslavsky	AV = A. Villaraigosa	GM = G. Molina	

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

**BOARD OF DIRECTORS ITEMS - Continued**

(Item 1 – Continued from previous page)

- ~~B. Consider potential funding sources including, but not limited to, Expo Measure R funds for the “substitute project”, Measure R Green Line to LAX funds, Arbor Vitae interchange project funds and surplus property sales along the alignment.~~
- ~~C. Amend the Crenshaw/LAX Transit Corridor project to include the Leimert Park/Vernon Station and undergrounding the segment of the alignment from 48<sup>th</sup> to 59<sup>th</sup> Streets as a part of the Base Project.~~
- ~~D. Authorize, if needed, the release of a supplemental Environmental Impact Statement/Environmental Impact Report.~~

APPROVED **Fasana Motion** to bifurcate the issues of adding a Leimert Park station and undergrounding the segment of the alignment from 48th to 59th streets within the City of Los Angeles.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

FAILED **Motion** to underground the segment of the alignment from 48th to 59th streets within the City of Los Angeles.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
N	N	N	N	N	Y	N	N	N	N	Y	Y	N	

(Continued on next page)

**BOARD OF DIRECTORS ITEMS - Continued**

(Item 1 – Continued from previous page)

APPROVED **Katz Substitute Motion** as amended:

Move that the MTA Board of Directors direct the CEO to:

1. Include the Leimert Park/Vernon station as a bid option during the construction procurement, i.e. bidders will propose prices for the following three options:
  - A. Baseline project as adopted by the MTA Board (Item 9, December 10, 2009)
  - B. Baseline project plus an unfinished station box at Leimert Park/Vernon that would allow a future subway station to be completed
  - C. Baseline project plus Leimert Park/Vernon underground station
2. Recommend for MTA Board approval a design/build contract for:
  - A. Option C if a responsible and responsive bid is received that is less than or equal to \$1.715 billion in year-of-expenditure dollars (the adopted funding level in the 2009 Long Range Transportation Plan)
  - B. Option B if a responsible and responsive bid is received that is less than or equal to \$1.715 billion in year-of-expenditure dollars and if the bid for Option C exceeds \$1.715 billion in year-of-expenditure dollars
3. If neither Option B nor Option C can be built within the adopted \$1.715 billion funding level (in year-of-expenditure dollars)
  - A. Initiate supplemental environmental analysis for an at-grade 48th Street station (approximately 0.27 miles or 2 blocks south of Vernon Avenue in Leimert Park) and estimate the cost of the at-grade station

(Continued on next page)

**BOARD OF DIRECTORS ITEMS - Continued**

(Item 1 – Continued from previous page)

- B. Recommend for Board approval inclusion of the at-grade 48th Street station if non-MTA funding is identified consistent with the Board-approved policy directing the CEO to seek non-New Starts for the Crenshaw-LAX line

**Amendment:** Advance \$1 million from the project budget for additional preliminary engineering for the station box.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	A	N	

2. **APPROVED VILLARAIGOSA, DUBOIS AND WILSON MOTION on the Interstate 405 Inter-County HOT Lane Corridor:**

Move that the Board:

1. Direct the CEO to report on the progress of the OCTA EIR/EIS during the July 2011 Board cycle
2. Direct the CEO to provide an update on the traffic analysis (previously directed via Board-adopted motion in September 2010) during the July 2011 Board cycle; and
3. Amend the FY 2012 Budget to add \$500,000 from the "General Fund: HOV Fines, FY12 Estimated Ending Fund Balance" (Fiscal Year 2012 Proposed Budget, p.33, line 35; \$2.9 million available) to further analyze and begin an environmental review of HOT lanes in Los Angeles County north of the I-405/I-605 (e.g. along the I-105, I-405, I-605, and/or surrounding freeways).

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	A	Y	Y	A	A	Y	

**BOARD OF DIRECTORS ITEMS - Continued**

3. APPROVED VILLARAIGOSA, ANTONOVICH, NAJARIAN AND KATZ MOTION on **Metrolink System Safety - Doran Street Crossing:**

Move that the MTA Board:

1. Program \$6.6 million (\$6 million + 10% contingency) in available Measure R 3% funds for the Doran Street full intersection safety improvement.
2. Direct and authorize the CEO and County Counsel to execute funding and implementation agreements with Metrolink, City of Glendale, and/or City of Los Angeles not-to-exceed \$6.6 million total.
3. Direct the CEO and Metrolink to report back with a final budget and implementation schedule.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	A	Y	Y	A	A	Y	

**III. APPROVED CONSENT CALENDAR ITEMS 4-5, 7-12, AND 14-15**

*Consent Calendar Items were approved by one motion except Items 6 and 13 which were held by a Director for discussion.*

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	A	Y	

4. APPROVED ON CONSENT CALENDAR **Minutes of the April 28, 2011 Regular Meeting** and **May 18, 2011 Special Meeting.**

**CONSENT CALENDAR ITEMS - Continued**  
**AD HOC CONGESTION PRICING COMMITTEE**

5. APPROVED ON CONSENT CALENDAR:
- A. receiving and filing the **Metro ExpressLanes FasTrak® Transponder Distribution Plan**;
  - B. authorizing the CEO to execute a trade promotional agreement with the Automobile Club of Southern California (AAA) to advertise the Metro ExpressLanes; and
  - C. authorizing the inclusion of retail sales as an element of the Metro ExpressLanes Program in order to increase transponder accessibility.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
										<b>C</b>			

**CONSTRUCTION COMMITTEE**

6. ~~CONSTRUCTION COMMITTEE RECOMMENDED (4-0)~~  
 authorizing:
- A. ~~an increase to the Total Contract Value for Contract No. MC069, with Stantec Consulting, Inc. to provide **Construction Management Support Services** for an amount not to exceed \$7,500,000 \$16,000,000 for the third year of a five-year contract, from \$21,500,000 to \$29,000,000 \$37,500,000; and~~
  - B. ~~the Chief Executive Officer to execute individual Contract Work Orders and Modifications within the Board approved contract value.~~

(Continued on next page)

**CONSENT CALENDAR ITEMS - Continued**

(Item 6 – Continued from previous page)

**APPROVED Najarian Substitute Motion:**

At a time of economic uncertainty with job opportunities hard to come by, there is no greater obligation and responsibility in Los Angeles County than to carefully examine, measure and be assured that MTA's expenditures of public funds provides the most benefit, is the most cost effective and prudent.

Measure R has generated a significant amount of investment to provide investments to our local economy.

Sectors, such as contractors, engineering and construction management are currently working with MTA to help deliver a successful Measure R program.

The Board has the responsibility to monitor and evaluate the performance of all contractors doing business with MTA.

There is no question that staff believes Stantec Consulting, Inc., has performed well in all their task orders, but it is important to thoroughly evaluate a \$16 million contract extension knowing that the original budget has already been consumed.

Move that the CEO direct staff to review the current contract extension prior to award, and where appropriate, renegotiate existing rates and expenses and report back to the board with the findings.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	C	Y	C	A	Y	Y	A	Y	

**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE**

- 7. APPROVED ON CONSENT CALENDAR adopting a **reimbursement resolution** that will permit MTA to reimburse itself for capital expenditures paid more than 60 days prior to issuance of debt.



**CONSENT CALENDAR ITEMS – Continued**  
**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE**

8. APPROVED ON CONSENT CALENDAR adopting the **FY12 Proposed Audit Plan**.
9. APPROVED ON CONSENT CALENDAR the **conversion of Metro calendar-based monthly and weekly passes** to 30-and 7-day rolling passes.

**OPERATIONS COMMITTEE**

10. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year indefinite delivery, indefinite quantity Contract No. PS10643055 to McAllister Office Pavilion, for **space planning/installation services and workstations** for an amount not to exceed \$5,000,000.
11. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute Agreement No. MOU.P000CHP16 with the California Highway Patrol to provide **field officer and administrative support to the Metro Freeway Service Patrol and Big Rig Service Patrol programs** during FY12 for an amount not to exceed \$990,000.

**CONSENT CALENDAR ITEMS - Continued**  
**PLANNING AND PROGRAMMING COMMITTEE**

12. APPROVED ON CONSENT CALENDAR the following actions related to the **State Route 126/Commerce Center Drive Interchange Improvement Project**:
- A. approving an exchange of up to \$41 million in federal Surface Transportation Program-Local (STP-L) funds for unrestricted, non-federal funds with County of Los Angeles Department of Public Works (LACDPW);
  - B. authorizing the Chief Executive Officer to:
    - 1. negotiate and execute an exchange agreement with LACDPW for the funds approved herein;
    - 2. place funds received from LACDPW in an interest-bearing account for pass-through allocations to participating local agencies for STP-L eligible projects, with a two percent (2%) administrative fee that LACMTA would charge; and
    - 3. negotiate and execute agreements with participating local agencies, so as to ensure that the unrestricted funds being made available are properly administered, used on STP-L eligible projects in a timely fashion, and expended within three years of executing the agreements; and
  - C. receiving and filing a status report on the previously Board approved \$20.6 million exchange with LACDPW for the Interstate 5/Hasley Canyon Road Interchange Project.

**CONSENT CALENDAR ITEMS - Continued**  
**PLANNING AND PROGRAMMING COMMITTEE**

13. APPROVED:

- A. certifying the Revised Final Environmental Impact Report/Environmental Assessment (FEIR/EA) for the **Wilshire BRT Project**;
- B. adopting:
  - 1. Alternative A-1, Truncated Project with Reduced Length Bus Lanes Between Comstock Avenue and Selby Avenue as the Locally Preferred Alternative (LPA);
  - 2. Mitigation Monitoring and Reporting Program and Findings of Fact and Statement of Overriding Consideration; and
- C. authorizing the Chief Executive Officer to File a Notice of Determination.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	ABS	Y	Y	Y	A	Y	Y	Y	Y	<b>ABS</b>	A	Y	

14. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award and execute Contract No. PS 4010-2178-11-xx-xx with Cambridge Systematics, Inc, to provide professional services to conduct a feasibility study, **the Gateway Cities Council of Governments ITS Implementation Plan for Goods Movement**, for an amount not to exceed \$2,489,063. Final contract value is subject to the completion of a pre-award audit and corresponding negotiation currently underway. In the event an agreement cannot be reached with the recommended proposer, staff will proceed to the next highest evaluated proposer.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
	C				C								

**CONSENT CALENDAR ITEMS**  
**PLANNING AND PROGRAMMING COMMITTEE – Continued**

15. APPROVED ON CONSENT CALENDAR:
- A. \$1.474 billion in **FY 2012 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators and Metro operations. These allocations comply with federal and state regulations and MTA Board policies and guidelines.
    - 1. \$56.5 million in Planning and Administrative allocations of Transportation Development Act, Proposition A, Proposition C and Measure R.
    - 2. \$1.028 billion in Bus Transit Subsidies.
    - 3. \$0.389 billion in Population Based Allocations and Proposition A Incentive Programs.
  - B. authorizing the Chief Executive Officer to adjust FY2012 Federal Section 5307 allocations upon receipt of final apportionment from the Federal Transit Authority;
  - C. the fund exchange of Santa Monica's Blue Bus for FY2012 Federal Section 5307 formula share allocation with Metro's TDA Article 4 revenues. The estimated amount is \$8.9M annually which will be disbursed in FY2013;
  - D. \$600K fund exchange of Long Beach Transit's FY 2012 Federal Section 5307 allocation for Southern California Regional Transit Training Consortium training program with Metro's TDA Article 4 revenues;
  - E. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation; and
  - F. upon approval, authorizing the Chief Executive Officer to negotiate and execute all necessary agreements to implement the above funding programs.

**IV. DISCUSSION ITEMS 16 THROUGH 24**

16. APPROVED:

- A. adopting the **proposed FY12 budget** as presented in the budget document (provided as a separate transmittal);
- B. the total budgeted salaries and benefits for each union/non-contract group as required by the Position Authorization and Compensation policy;
- C. the life-of-project budget for all new capital projects as presented in the proposed budget document including 16 new projects with a life-of-project budget over \$5.0 million;
- D. the amendments to increase expenditures for requests submitted subsequent to preparation of the FY12 proposed budget revised; and
- E. the Reimbursement Resolution declaring Metro’s intention to issue debt in FY12 for capital projects. Debt issuance will require separate Board approval.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	A	A	A	Y	Y	Y	Y	A	A	Y	

**DISCUSSION ITEMS – Continued**

17. APPROVED UNDER RECONSIDERATION AS AMENDED adopting the **Fiscal Responsibility Policy for Measure R Capital Project Contingency Funds**, summarized as follows:
- A. projects with Measure R savings at project close-out must first apply such savings to reimbursing the Contingency Funds in the Measure R Expenditure Plan for any debt service (excluding principal) that were used for the project;
  - B. projects that are accelerated relative to **the Measure R Expenditure Plan as reflected in** their Long Range Transportation Plan (LRTP) schedule must include that portion of debt service (excluding principal) that was necessary to support cash flow needs in advance of the LRTP-planned cash flow needs;
  - C. sales tax forecast revisions for the Transit and Highway Sub-Funds within Measure R will be met by revising the available Capital Project Contingency Funds, and not by revising the Measure R project minimum amounts.; and
  - D. Measure R debt service (excluding principal) to be repaid from the Contingency Funds may not exceed the levels forecasted to be necessary in the LRTP except to allow for America Fast Forward, the 30/10 Initiative, and similar financing which may involve issuing debt and/or taking out loans greater than contemplated in the 2009 LRTP. America Fast Forward, the 30/10 Initiative, and other similar financing must not adversely impact second and third decade Measure R projects.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
A	A	Y	Y	Y	Y	Y	A	Y	Y	A	Y	Y	

**DISCUSSION ITEMS – Continued**

18. APPROVED:

- A. adopting a resolution authorizing the replacement of **expiring liquidity facilities for the Prop A 2008 bonds;**
- B. authorizing the CEO to finalize negotiations with the proposing banks short-listed in Attachment B of the Board report and enter into any combination of agreements as provided for in the resolution having a combined estimated cost for fees and spread of \$6 million or less for the three year terms of the agreements; and
- C. authorizing the CEO to negotiate with each successively ranked proposer from the list provided in Attachment B of the Board report if unable to reach agreement with one or more of the recommended proposers.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
A	A	Y	A	Y	Y	Y	C	Y	Y	A	Y	Y	

19. APPROVED BY A 2/3 VOTE AS AMENDED the **temporary roll-back of the regular Day Pass** from \$6 to \$5 for a period of ~~nine~~ months **one year and return to the Board in six months with a report.**

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	

20. ADOPTED the following **position on State Legislation:**

**AB 845 (Ma)** – Which codifies a portion of the California Transportation Commission (CTC) High-Speed Passenger Train Bond Program Guidelines. **SUPPORT**

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	

21. APPROVED UNDER RECONSIDERATION rejecting all bids received in response to IFB PS11064106, canceling the procurement, and issuing a new IFB for **Integrated Waste Management Services**.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	A	Y	Y	Y	A	Y	Y	Y	Y	A	C	Y	

22. NO ACTION TAKEN:

APPROVE the sale of the **MTA's equity share in David Solow's residence** for the amount of approximately \$141,000.

Chair directed staff to research Robert's Rules regarding re-consideration of an item that failed at a previous meeting.

23. AUTHORIZED the Chief Executive Officer to award a five year, firm fixed unit rate Contract No. OP85102554 to Mitsubishi Electric & Electronics USA, Inc. for **Metro transit facilities elevator and escalator maintenance and repair services**, for an amount not to exceed \$44,377,356 inclusive of two one-year options, effective June 1, 2011.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	A	Y	

24. APPROVED the following **nominee for membership on the San Fernando Valley Service Council**:

Maribel De La Torre - New appointment to fill unexpired position held by Steve Veres. Nominated by City of San Fernando.

Term Ending: June 30, ~~2014~~ **2013**

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	



## **V. MISCELLANEOUS**

25. Additions to the agenda which were posted more than 72 hours in advance of the meeting, as indicated on the supplemental agenda.
26. Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.
27. Opportunity for members of the public to address the Board on items of interest that are within the subject matter jurisdiction of the Board.

RECEIVED Public Comment.

(Continued)

**VI. CLOSED SESSION**

CS-1. Personnel Matters - G.C. 54957:  
Public Employee Appointment  
Consider appointment of Inspector General

NO REPORT.

CS-2. Conference with Legal Counsel - Pending Litigation – G.C. 54956.9(a):  
Donald Barrett v. L.A.C.M.T.A., Case No. SC107496

APPROVED settlement in the amount of \$1,425,000.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	A	A	A	Y	A	Y	Y	A	A	Y	

Janice Marvel v. L.A.C.M.T.A., Case No. BC437352

APPROVED settlement in the amount of \$500,000.

MW	JH	PO	ZY	AN	MA	DK	AV	RK	DD	MRT	GM	JF	
Y	Y	Y	A	A	A	Y	A	Y	Y	A	A	Y	

L.A.C.M.T.A. v. Amrat Patel, et al., Case No. BC459031

NO REPORT.

CS-3. Conference with Legal Counsel - Anticipated Litigation – G.C. 54956.9(b):  
Significant Exposure to Litigation (one case)

NO REPORT.

CS-4. Conference with Labor Negotiator - G.C. 54957.6:  
Agency Representative: Richard Hunt and designated staff  
Employee Organizations: ATU, UTU, TCU, Teamsters

NO REPORT.

ADJOURNED at 3:15 p.m.

Prepared by: Michele Chau  
Board Specialist

Michele Jackson  
Board Secretary