

Thursday, December 13, 2012 8:30 AM*

*Change in time this month only

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at: 9:00 A.M.

Directors Present

Michael Antonovich, Chair
Diane DuBois, 1st Vice Chair
Richard Katz, 2nd Vice Chair
Joe Buscaino*
John Fasana
Don Knabe
Gloria Molina
Ara J. Najarian
Pam O'Connor
Mark Ridley-Thomas
Antonio Villaraigosa
Mel Wilson
Zev Yaroslavsky
E. Lhami B. Nasr*, non-voting member

Officers

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

*Replaced José Huizar

*Replaced Michael Miles



Metro

Los Angeles County
Metropolitan Transportation Authority

Adjourned in memory of Fujito Sonny Shohara, the beloved father-in-law of Metro official Terry Matsumoto.

1. APPROVED **Consent Calendar** Items: 2, 9, ~~43~~, 14, 17, 22, 24, 25, 26, ~~53~~, 55, 72, and 81.

Consent Calendar items were approved by one motion except items 13, 14 and 53 which were held by a Director for discussion.

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

2. APPROVED ON CONSENT CALENDAR **Minutes of the Regular Board Meeting held October 25, 2012.**
3. RECEIVED Chair’s Report.
 - Adjourn in memory of Harold Flory, a 23-year Metro employee who passed away on November 28, 2012.

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

4. RECEIVED Chief Executive Officer’s Report.
 - Update on Sheriff’s Deputy Rudy Juarez who was critically injured while helping to remove a vehicle which was interfering with the safe operation of the Metro Gold Line.

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

(Continued on next page)

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

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

(Item 4 – continued from previous page)

- REPORT NOT RECEIVED by Hasan Ikhata, Southern California Association of Governments on Implementation of the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy

9. ADOPTED ON CONSENT CALENDAR:

- A. the **Countywide Sustainability Planning Policy**, which establishes a framework for integrating sustainability into the Agency’s planning functions and serves as a resource for local jurisdictions working to create a more sustainable transportation system; and
- B. the **Countywide Sustainability Planning Policy Implementation Plan** to guide work efforts in implementing the Policy and to replace the Sustainability Implementation Plan, which was developed in 2007 and included a list of suggested projects through the end of Fiscal Year 2012.

13. AUTHORIZED the Chief Executive Officer to execute the **Crenshaw Light Rail Transit Project Measure R 3% Local Match Financial Contribution Agreement** to facilitate the advancement of \$17.8 million for the City of Inglewood’s 3% local match funding contribution to the Crenshaw/LAX Transit Corridor project.

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

14. APPROVED:

- A. **increasing Life-of-Project (LOP) Budget for Crenshaw/LAX Transit Corridor Project, No. 865512, by \$13.9 million** increasing the LOP budget from \$1,749.0 billion to \$1.762.9 billion; and

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- B. reprogramming to a project reserve contingency \$13.9 million in Proposition C 25% funds freed up when Crenshaw/LAX Transportation Investment Generating Economic Recovery grant available funds were not required for their original purpose.

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

16. FAILED DUE TO CONFLICTS AND ABSENCES:

- A. authorizing the Chief Executive Officer to **finalize negotiations with the recommended banks and enter into reimbursement agreements and related documents for direct-pay letters of credit:**
 - 1. with Sumitomo Mitsui Banking Corporation ("Sumitomo") for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,135,000, including legal fees and other related expenses;
 - 2. with Union Bank for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,130,000, including legal fees and other related expenses;
- B. if unable to reach agreement with one or both of the recommended banks, authorizing the CEO to finalize negotiations with each successively ranked bank for agreements having three year terms and estimated costs; and
- C. adopting a resolution that approves the selection of Sumitomo and Union Bank or successor(s), a form of the reimbursement agreement on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

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

17. AUTHORIZED ON CONSENT CALENDAR the CEO to **award fixed rate, five-year contracts in the amount of \$6.18 million to investment management firms.**

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

21. APPROVED AS AMENDED BY KNABE, **KATZ AND WILSON MOTION** that the MTA Board consider the following:

- A. Approving the Sepulveda Pass Transit Corridor and the LAX/Airport Metro Connector as a candidates for further consideration as P3 delivery projects without changing Long Range Transportation Plan priorities.
- B. Authorizing the Chief Executive Officer to:
 - 1. Evaluate the suitability of a transit and/or highway facility (Project) through the Sepulveda Pass as a P3, utilizing the Board-approved P3 evaluation criteria; and prepare a separate P3 evaluation of the LAX/Airport Metro Connector with a separate report back to the Board in March 2013.
 - 2. Convene an industry outreach program that will draw significant and worldwide interest in order to gather information and feedback for the Sepulveda Pass project.
 - 3. Proceed with all actions necessary to assist in the preparation of a Pre-Development Agreement (PDA) with a private entity (Developer) to develop the project; and
- C. Receiving and Filing the Sepulveda Pass Systems Planning Study Findings.

ANTONOVICH AND O’CONNOR AMENDMENT to include the High Desert Corridor and coordination with COGS.

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

22. APPROVED ON CONSENT CALENDAR:
- A. **the updated park and ride project list;** and
 - B. the letter to be sent to Caltrans Director on Metro's position regarding the transfer process.
24. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to enter into an **amendment to the existing Revised Amended and Restated Joint Development Agreement ("JDA") with MacArthur Park Metro, LLC, ("MPM")** to modify the JDA in accordance with the Summary of Key Modifications to JDA, together with such modifications as may be appropriate to protect Metro's interests, and to extend the JDA term twelve (12) months to:
- A. allow Metro and MPM to analyze and, if necessary, renegotiate the JDA's terms and conditions with respect to rent due under the ground lease(s) contemplated for the second phase of the Westlake/MacArthur Park joint development project (including any associated terms and conditions); and
 - B. provide sufficient time for MPM to secure project financing.
25. AUTHORIZED ON CONSENT CALENDAR the programming of **\$178 million in new State Highway Operation and Protection Program funding and bid savings** on the I-5 North at Empire Project to address requests by the California Transportation Commission and Caltrans related to the I-5 South and I-405 Sepulveda Pass Projects.
26. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to work with the Southern California Association of Governments **to amend the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy** to incorporate a High Occupancy Toll facility as an alternative to the I-5 North Capacity Enhancement from SR-14 to Parker Road Project, which is an element of the Accelerated Regional Transportation Improvements project, to ensure consistency with the Board-approved 2009 Long Range Transportation Plan and the Public-Private Partnership Program.

33. RECEIVED **Safety Presentation:**

- A. Influencing safety culture – NTSB findings on the June 22, 2009 Ft. Totten Accident – ~~Robert Sumwalt~~ Mortimer Downey
- B. Changing the safety culture – WMATA Board response to NTSB findings – Mortimer Downey

NO REPORTS RECEIVED ON ITEMS C-F

- C. Presentation on LACMTA’s safety culture – Findings and Recommendations – Robert Torres
- D. Metro Blue Line Task Force Safety Assessment Recommendations, see item 37 – Frank Alejandro
- E. LACMTA’s Photo Enforcement Program, see item 44 – Abdul Zohbi
- F. Report on System Safety

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

35. AUTHORIZED the Chief Executive Officer to award a five-year, firm fixed price Contract No. PS120641104 to **Pestmaster Services, Inc., the lowest responsive and responsible bidder for pest and bird control services** in an amount not-to-exceed \$2,602,221, effective January 1, 2013.

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

37. APPROVED:

- A. the increase in the Life-of-Project budget for the **Metro Blue Line Pedestrian and Swing Gates Capital Project** in the amount of \$6,780,000, increasing the total project budget from \$920,000 to \$7,700,000; and
- B. the Chief Executive Officer to amend the FY2013 budget to reflect this adjustment.

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

38. NO ACTION taken regarding:

- A. authorize the Chief Executive Officer to award a firm fixed price contract to **Wabtec Passenger Transit for friction brake overhaul of 52 P2000 Light Rail Vehicles** for an amount not-to-exceed \$1,664,000; and
- B. find that there is only a single source of procurement for the overhaul of the friction brake equipment on the P2000 LRV fleet (P2000 LRV). The purchase is for the sole purpose of overhauling existing friction brake equipment for continued safe operations. The Board hereby authorizes the purchase of overhaul services for the P2000 LRV friction brake equipment pursuant to Public Utilities Commission Code Section 130237.

(REQUIRES TWO-THIRDS VOTE OF THE BOARD)

41. AUTHORIZED the Chief Executive Officer to:

- A. execute Contract Modification No. 4 to Contract No. OP35902469 with **Southland Transit, Inc., (STI) to provide fixed-route contract transportation services** for an amount not-to-exceed \$7,564,301 for operating and diesel fuel costs increasing the total contract value from \$55,127,849 to \$62,692,150; and

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- B. execute future contract modifications to Contract No. OP35902469 for an amount not-to-exceed \$4,157,539 for unanticipated fuel or other costs.

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

42. NO ACTION taken regarding:

- A. authorize the Chief Executive Officer to award a firm fixed price contract to **Ansaldo STS USA (formerly Union Switch & Signal (US&S)) (“Ansaldo”)** for the upgrade of the existing solid-state train control equipment for an amount not-to-exceed \$7,867,854; and
- B. find that there is only a single source of procurement for the upgrade of the Metro Green Line (MGL) Train Control Equipment (MicroLok I) to Ansaldo’s MicroLok II system. The existing MGL MicroLok I Train Control Equipment is proprietary. The purchase is for the sole purpose of replacing existing equipment already in use. The Board hereby authorizes the purchase of Ansaldo MicroLok II pursuant to Public Utilities Code section 130237.

(REQUIRES 2/3 VOTE OF THE BOARD)

43. APPROVED:

- A. a Life-Of-Project (LOP) Budget increase of \$1,200,000 for project 205095 - **Metro Red Line (MRL) Damper Replacement**, increasing the LOP from \$1,500,000 to \$2,700,000; and
- B. the Chief Executive Officer to award a firm fixed price contract under Bid No. OP39602952 with Pacific Power Systems Integration, Inc., the lowest responsive and responsible bidder for 164 actuator drives in an amount not to exceed \$2,149,183 inclusive of sales tax.

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

44. APPROVED:

- A. **continuing the Red Light Photo Enforcement program** under the current contracts which will expire June 30, 2013; and
- B. commence procurement for a new contract to extend the program to future years with a bi-annual performance evaluation.

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

53. AUTHORIZED the Chief Executive Officer to award a five year firm fixed unit rate contract under Request for Proposal No. OP83802979 with Lerch Bates, Inc., the lowest responsive and responsible proposer for **Elevator/Escalator Maintenance Monitoring and Consulting Services** for an amount not-to-exceed \$1,143,242, inclusive of two one-year options.

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

55. AUTHORIZED ON CONSENT CALENDAR the CEO to:

- A. **lease office space to provide Los Angeles Metro Protective Services (LAMPS) a sub-station;** and
- B. to execute a 5 year lease agreement, including up to five (5) one year options, with the Bakewell Hawthorne, LLC for the rental of office space and associated parking in an office building located at 4401 Crenshaw Blvd in Los Angeles, CA commencing January 1, 2013 at a cost not-to-exceed \$3,529,310 (inclusive of tenant improvements) lease agreement monthly rent plus the annual cost of utilities and operating expenses.

63. APPROVED the **federal legislative strategy to advance the second policy proposal embedded in America Fast Forward, the creation of a new class of qualified tax credit bonds for transportation projects.** These qualified tax credit bonds would be referred to as America Fast Forward Transportation Bonds.

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

64. RECEIVED AND FILED report on **Metrolink Action Plan** to ensure Metrolink customers experience seamless transfers through Metro’s latched gates.

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

67. NO ACTION TAKEN on the **civil rights compliance update.**

72. **WITHDRAWN:** PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **MOLINA MOTION** that the Board of Directors direct the CEO to change the name of the “Metro Red Line Civic Center Station” to “Grand Park/Civic Center Station”.

73. **WITHDRAWN:** PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approval of **RIDLEY-THOMAS MOTION** that the MTA Board of Directors direct the CEO to prepare a plan to change the name of the Wilshire/Western station on the Purple Line to the “Wilshire/Western Alfred Hoyun Song Station,” to commemorate the work of Senator Song; and

Report back to the Board in 60 days.

74. APPROVED ON CONSENT CALENDAR the **ANTONOVICH, DUBOIS AND KNABE MOTION** that the Board directs the CEO to develop and implement a plan to work with Caltrans, affected cities and key stakeholders to develop a coordinated corridor-wide approach to implementing outreach, needed improvements and related mitigations along the I-5 from the Orange County line to the Kern County Line; and

FURTHER that a plan of action and associated budget be presented for consideration at the February 2013 Board meeting.

77. NO ACTION TAKEN to consider “**Buy America**” **Compliance Impact on Utility relocations and project schedules.**

79. APPROVED **YAROSLAVSKY MOTION** that an independent audit/review be conducted by the Inspector General of the I-405 Sepulveda Pass Widening Project claims process, including the response time, subcontractor oversight, investigative process and overall due diligence; and

FURTHER that the Inspector General report back with a status update at the January meeting and a report on findings of the investigation at the March meeting.

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

80. AUTHORIZED AS AMENDED the Chief Executive Officer to award:

A. Contract No. PS12714022, a five-year revenue-generating contract, inclusive of three one-year options, effective January 1, 2013, for a **license to sell and display advertising on the Metro Bus fleet on a fixed, guaranteed revenue basis with revenue to Metro totaling \$104,250,000, to CBS Outdoor Group Incorporated;** and

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- B. Contract No. PS12714023, a five-year revenue-generating contract, inclusive of three one-year options, effective January 1, 2013, for a license to sell and display advertising on the Metro Rail system on a fixed, guaranteed revenue basis with revenue to Metro totaling \$5,750,000 to CBS Outdoor Group Incorporated.

The total amount of revenue generated from these two contracts will be \$110,000,000.

AMENDMENT: Contract subject to Metro’s terms and conditions with a guaranteed 100% letter of credit.

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

81. AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

- A. execute two (2) pilot **Metro Freeway Service Patrol ExpressLanes** contracts for a total amount not to exceed \$7,193,823, inclusive of an option year, to the following contractors in order to provide dedicated incident management towing services to the Metro ExpressLanes Project.
 - 1. Beat 70, contract FSP12-R-1 to Sonic Towing Inc. for \$3,582,202 for contract period 12/13/12 to 11/30/14, and
 - 2. Beat 71, contract FSP12-R-2 to Bob & Dave’s Towing Inc. for \$3,611,621 for contract period 02/02/13 to 01/31/15; and
- B. execute contract modifications to existing Freeway Service Patrol contracts as delineated in an amount not to exceed \$4,936,000.

82. APPROVED BY 2/3 VOTE:

- A. holding a public hearing on the proposed Resolution of Necessity; and

(Continued on next page)

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- B. adopting the Resolution of Necessity authorizing the commencement of an **eminent domain action to acquire a full take on Parcel HS-2201 (APN 4015-019-006) for Crenshaw Light Rail Project.**

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

- 83. APPROVED the ratification of the award of a design build contract under Bid No. PS116430101 with Emcor Services, Mesa Energy Systems the lowest responsive and responsible bidder for **replacement of the Gateway Building Cooling Towers** for a firm fixed price of \$3,145,500, inclusive of sales tax.

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

- 84. **WITHDRAWN: NAJARIAN MOTION** that the CEO direct staff to report back to the MTA Board at the January 2013 meeting with a comprehensive, current cost estimate (for the SR-710 North Project), including all alternatives listed on the Measure R Expenditure Plan, updated construction and mitigation costs; and,

I FURTHER MOVE that the question of truck or no truck access be included in the cost calculation, as prohibiting truck access fails to support the toll revenue essential for the tunnel construction, operation and maintenance; and,

I FURTHER MOVE that current Measure R costs expended on this project be included in the cost estimate report, as well as all MTA local funds since the passage of Measure R; and,

I FURTHER MOVE that should a reliable current cost estimate not be provided in January 2013, that all Measure R and other MTA local funding for this project be suspended until one is presented to the full Board for discussion.

78. **CLOSED SESSION:**

- A. Public Employee Performance Evaluation – G.C. 54957
Chief Executive Officer

NO REPORT.

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

1. Richard Nesbitt v. LACMTA, Case No. BC403503

NO REPORT.

2. Dagoberto Quijada v. LACMTA, Case No. BC455828

NO REPORT.

3. Jen Wen Ko v. LACMTA, Case No. BC425459

NO REPORT.

- C. Conference with Legal Counsel – Anticipated Litigation – G.C. 54956.9(b)

Significant Exposure to Litigation (2 cases)

NO REPORT.

- D. Conference with Legal Counsel – Anticipated Litigation – G.C. 54956.9(c)

Initiation of Litigation (2 cases)

NO REPORT.

- E. Conference with Labor Negotiator – G.C. 54957.6

Agency Representative: Richard Hunt

Employee Organizations: TCU, AFSCME

NO REPORT.

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- F. Conference with Labor Negotiator – G.C. 54957.6
Agency Representative: Don Ott
Employee Organizations: ATU, UTU

NO REPORT.

RECEIVED public comment.

ADJOURNED at 1:01 p.m.

Prepared by: Collette Langston
Board Specialist

A handwritten signature in cursive script that reads "Michele Jackson". The signature is written in black ink and is positioned above a horizontal line.

Michele Jackson
Board Secretary