

MINUTES

**Regular Board Meeting
Board of Directors**

**One Gateway Plaza
3rd Floor Board Room**

Called to Order at 9:45 A.M.

Directors Present:

Antonio Villaraigosa, Chair
Ara J. Najarian, 2nd Vice Chair
John Fasana
David Fleming
Richard Katz
Gloria Molina
Pam O'Connor
Bernard Parks
Zev Yaroslavsky

Officers

Roger Snoble, 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

1. APPROVED:
 - A. Consent Calendar Items: 2, 5, 6, 8, 9, 12, 14, 16, 28, 29, 30, 34, 35 and 36.
 - B. Non-Consent Items without discussion: 22, 23, 24, 25, and 54.
2. APPROVED ON CONSENT CALENDAR Minutes of Regular Board Meeting held July 24, 2008.
3. RECEIVED Chair's Report
4. RECEIVED Chief Executive Officer's Report
5. APPROVED ON CONSENT CALENDAR:
 - A. providing up to \$110 million in advance funding from Los Angeles County regional sources (with such funding eligible for Traffic Congestion Relief Program (TCRP) Letters of No Prejudice (LONPs)) for specified projects on Interstate 5, Interstate 10, and Interstate 405 using the California Transportation Commission's TCRP LONP Policy; and
 - B. adopting a resolution for a funding commitment of up to \$48 million to the Interstate 405 Project (the Project) that authorizes the Chief Executive Officer to enter into an agreement with the California Department of Transportation (Caltrans) to use those funds for the Project.
6. APPROVED ON CONSENT CALENDAR:
 - A. receiving and filing the summary of responses to the Request for Information to seek industry input on the use of Public-Private Partnership (PPP); and
 - B. adopting the PPP work plan.
7. APPROVED:
 - A. programming \$290.6 million to support the implementation of projects consistent with the Board-approved Memorandum of Understanding with

the United States Department of Transportation for the Los Angeles Region Congestion Reduction Demonstration Initiative;

- B. authorizing the Chief Executive Officer to negotiate and execute funding agreements with Caltrans and local agencies for the implementation of their projects under the initiative.
8. APPROVED ON CONSENT CALENDAR the final draft Congestion Mitigation Fee Feasibility Study Report and authorize the Chief Executive Officer to initiate Step 2 of the Congestion Mitigation Fee Work Plan consisting of project selection, estimating project costs, and confirming growth forecasts.
9. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute a Memorandum of Understanding with the Exposition Metro Line Construction Authority for an amount not to exceed \$313,729, for the purposes of completing travel demand model refinements required by the Federal Transit Administration as part of the Expo Phase II New Starts application for preliminary engineering.
12. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
- A. award five-year Bench Contracts for the provision of information systems technical services to assist in various computer programming, network and database related projects in an amount not-to-exceed a cumulative value of \$5 million to the following firms:

AST Corporation	PS92402142-A
Auriga Corporation	PS92402142-B
Booz Allen Hamilton	PS92402142-C
CompuCom	PS92402142-D
Hess & Associates	PS92402142-E
PI Technology	PS92402142-F
SDI	PS92402142-G
Thor	PS92402142-H
Van & Associates	PS92402142-I
Zensar Technologies	PS92402142-J
 - B. execute Task Orders under the individual Bench Contracts in a cumulative amount not to exceed \$5 million.

- 13. AUTHORIZED the Chief Executive Officer to award a seven-year, firm, fixed-price contract, Contract Number PS09511002, to MGT of America, Inc. to provide assistance in the preparation of the cost allocation plan (CAP) of our agency in an amount not to exceed \$219,585, inclusive of three one-year options, beginning with the CAP for Fiscal Year ending June 30, 2010.

- 14. APPROVED ON CONSENT CALENDAR:
 - A. adopting the Debt Policy;
 - B. adopting the Interest Rate Swap Policy; and
 - C. receiving and filing the Annual Report on Interest Rate Swaps.

- 15. CARRIED OVER authorizing the Chief Executive Officer to renew group insurance policies covering Non-Contract, AFSCME, and Expo employees for a one-year period beginning January 1, 2009.

- 16. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
 - A. award a 7-year fixed price, unit-rate multiple awards agreement to provide workers' compensation investigation services in an amount not to exceed \$4,153,807, inclusive of four one-year options, effective October 1, 2008, with the following firms:

RJN Investigations, Inc.	PS-0531-2152-A
Baechler Investigative Services	PS-0531-2152-B
Probe Information Services, Inc.	PS-0531-2152-C
Benn & Associates	PS-0531-2152-D
Fu-Gen, Inc.	PS-0531-2152-E
Access Investigation Services, Inc.	PS-0531-2152-F
Worldwide Intelligence Network	PS-0531-2152-G
Karen Paris Investigations	PS-0531-2152-H
ID Investigators & Adjusters, Inc.	PS-0531-2152-I
Bonnamy & Associates	PS-0531-2152-J
MJM Investigations, Inc.	PS-0531-2152-K
Budiselich & Associates	PS-0531-2152-L
Miles Investigations, Inc.	PS-0531-2152-M
West Shield Investigations	PS-0531-2152-N
Frasco Investigation Services	PS-0531-2152-O

- B. execute contracts with any or all of the five qualified alternative firms listed below during the course of the seven-year contract should there be a need to replace any firm or expand the panel within the above total amount not to exceed \$4,153,807:

- Aztec Private Investigations
 - Burton Investigations
 - Specialized Investigations
 - Page Investigations
 - Stewart Investigative Services, Inc.

- C. issue task orders under this agreement in amount not-to-exceed \$4,153,087.

17. RECEIVED AND FILED comparison between the FY09 proposed budget and the adopted budget (comparison); and APPROVED substitute motion to forward "comparison" to Finance and Budget Committee.

22. AUTHORIZED the Chief Executive Officer to execute Contract Modification No. 13 to Contract No. TCP2610LASD with the Los Angeles County Sheriff's Department as follows:

- A. Section 12, changes to indemnification language; and
- B. Article 2, the period of performance for this modification applies from October 1, 2008 through December 31, 2008.

23. APPROVED:

- A. reprogramming of \$427,137 of project savings from Capital Project (CP) #210096 Installation of Closed Circuit Televisions to CP #210095 Behavior Recognition Software at Facilities; and
- B. amending the FY09 budget to add \$427,137 of expenses and revenues to the Enterprise Fund.

24. AUTHORIZED the Chief Executive Officer to execute Modification No. 4 to Contract No. OP3010-1812 with Agreement Dynamics, Inc. for interest-based problem solving training consulting services in an amount not to exceed \$382,925

through September 30, 2009, increasing the Total Contract Value from \$395,155 to \$778,080.

25. APPROVED:
 - A. 7% as the Federal Transit Administration Disadvantaged Business Enterprise (DBE) Overall Goal for Federal Fiscal Year 2009; and
 - B. 12% as the Federal Highway Administration Annual Anticipated DBE Participation Level for Federal Fiscal Year 2009.

28. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm fixed price contract under IFB OP-3434-2191 with South Bay Ford, the lowest responsive and responsible bidder, for armored vault vans for an amount not-to-exceed \$275,770, inclusive of sales tax.

29. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm-fixed price contract under IFB OP-3434-2190 with Victor Buick-GMC Truck, Inc., the lowest responsive and responsible bidder, for Pro-Series Cargo Vans for an amount not-to-exceed \$1,727,157, inclusive of sales tax.

30. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a 36-month, firm fixed price contract under Bid Number 08-0020 to Muncie Transit Supply, the lowest responsive, responsible bidder for Bus Pulse Width Stepper Valves for an amount not to exceed \$4,331,178, inclusive of sales tax and one-year option.

31. APPROVED:
 - A. finding that there is only a single source of procurement for Cummins L10 Compressed Natural Gas engines and repair parts and purchase is for the sole purpose of replacing existing equipment already in use. The Board hereby authorizes the purchase of Cummins L10 CNG engines pursuant to Public Utilities Code section 130237;
 - B. authorizing the Chief Executive Officer to:

1. award a firm fixed price contract to Cummins Cal Pacific, LLC, for the procurement of 140 L10 CNG engines for an amount not to exceed \$5,433,068 inclusive of sales tax; and
2. exercise an option with Cummins Cal Pacific, LLC to purchase up to 60 additional CNG bus engines subject to availability of funding for an amount not to exceed \$2,356,061 inclusive of sales tax.

32. APPROVED:

- A. Contract Modification Authority to Contract No. OP33440667 elevator escalator maintenance and repair services with Mitsubishi Electric and Electronics USA, Inc. to provide as-needed elevator/escalator repair services for transit facilities by \$4,709,680, increasing the Total Contract Value from \$29,979,166 to \$34,688,846; and
- B. authorizing the Chief Executive Officer to execute future contract modifications to Contract No. OP33440667 up to an amount not to exceed \$4,709,680.

33. APPROVED:

- A. establishing a life-of-project budget for the Rail Overhead Contact System (OCS) Rehab & Repair Equipment Capital Project (CP) #211012, in the amount of \$4,700,000;
- B. finding that there is only a single source of procurement for Rail OCS Rehab & Repair Equipment and purchase is for the sole purpose of replacing the existing high rail OCS maintenance equipment already in use. The Board hereby authorizes purchase of the Rail OCS Rehab & Repair Equipment pursuant to Public Utilities Code section 130237; and
- C. authorizing the Chief Executive Officer to:
 1. award a firm fixed price contract to Modern Track Machinery, Inc. for the purchase of three specialized heavy-duty high-rail platform/bucket trucks for rehabilitation and maintenance of the light rail overhead contact system for an amount not to exceed \$4,120,000, inclusive of sales tax, pursuant to Public Utilities Code section 130237; and
 2. executing contract modifications in an amount not to exceed \$412,000.

34. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
- A. establish a life-of-project budget for the Metro Support Services Center (MSSC) Building 5 Modifications Project in the amount of \$2,650,000;
 - B. amend the FY09 budget to add \$1,175,000 of revenues and expenses; and
 - C. re-program \$1,175,000 from project savings from the FY08 capital program to this new Capital Project to modify MSSC Building 5.
35. APPROVED ON CONSENT CALENDAR:
- A. approving and certifying the Initial Study/Mitigated Negative Declaration (IS/MND) for the Union Division Bus Maintenance and Operations Facility to design and construct an approximately 360,000-square-foot public facility development including: a three-story parking structure; an upward spiral circular structure and vehicle bridge for vehicle ingress/egress; a publicly-accessible alternative fueling station; the Central Cash Counting Facility; and, the reuse and expansion of the existing Material Support and Services Center Building 1;
 - B. the Union Division Bus Maintenance and Operations facility (“proposed Project”);
 - C. increasing the life-of-project (LOP) budget for the proposed Project by \$90,053,000, increasing the LOP from \$4,947,000 to \$95,000,000;
 - D. amending the FY09 Facilities-Operations budget, Cost Center 3340, to add \$9,450,000 and two full-time equivalent positions for a Project Manager and Senior Engineer for project management and engineering support; and
 - E. authorizing the Chief Executive Officer to file a Notice of Determination of the IS/MND with the Los Angeles County Clerk.
36. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute a ten-year lease with Bennett Greenwald, Trustee of the Bennett Greenwald Trust for the rental of an approximately 66,540 square foot site located at 410 Center Street, Los Angeles, California (the “Property”). The term of the proposed lease would commence on October 1, 2008 and end on September 30, 2018, at an estimated total rental cost of \$3.3 million over the ten-year term, plus additional monthly rent to cover the cost of tenant improvements (TIs) which are estimated to range between a total of \$1.5 to \$2 million and will be amortized over the first five

years of the lease. Also included is an option for an additional five-year lease term under the same rental provisions, excluding TI costs, and an option to purchase the Property for \$6 million if the option is exercised on or before October 1, 2010. Inclusive of the monthly rent, the amortized monthly payments for TIs and consideration of the purchase option, the total cost of the lease is estimated not to exceed \$5.3 million over the life of the ten year lease.

46. CARRIED OVER DUE TO CONFLICTS AND ABSENCES:

- A. finding that there is only a single source of procurement for repair of a Siemens P2000 Light Rail Vehicle and purchase is for the sole purpose to repair Metro Gold Line Car 243 already in use. The Board hereby authorizes repair of Rail Car 243 pursuant to Public Utilities Code § 130237; and
- B. authorizing the CEO to award a single source firm fixed price contract to Siemens Transportation Systems, Inc. to repair Metro Gold Line Car 243 for an amount not to exceed \$250,000, which represents Metro's insurance deductible portion.

47. FORWARDED TO PLANNING & PROGRAMMING COMMITTEE authorizing the Chief Executive Officer to enter into an Exclusive Negotiations Agreement with JPI West to develop a residential project on the Metro Orange Line Sepulveda Station park-and-ride site.

48. RECEIVED AND FILED the following position on Federal Legislation:

S. 3493 (Feinstein/Boxer) -Legislation that mandates the implementation of positive train control (PTC) systems on commuter and freight rail cars by December 31, 2012 in areas determined by the Secretary of Transportation to have the highest safety risk due to shared track between commuter and freight rail. The deadline for other commuter and freight providers to implement PTC systems would be December 31, 2014. SUPPORT

49. APPROVED Villaraigosa Antonovich Knabe Najarian Katz Motion **as amended** that the MTA Board of Directors:

- 1. Instruct the Los Angeles delegation to the Metrolink Board of Directors and request the whole Metrolink Board of Directors to:
 - A. Direct Connex Railroad LLC/Veolia Transportation to immediately staff Metrolink locomotive cabs with two qualified engineers and

- authorize the Metrolink CEO to negotiate any associated contract amendments
- B. Implement “automatic train stop” (ATS) wayside infrastructure immediately to compliment Metrolink trains that are already equipped with ATS equipment and capability
 - C. Install in all Metrolink locomotive cabs as soon as possible video cameras and digital video recorders (or equivalent technology) that will record all engineer and other staff activity in the cab for forensic and investigative purposes, including appropriate discipline for engineers who violate operating procedures required by law or contract
 - D. Immediately establish an independent “Commuter Rail Safety Peer Review Panel” to review Metrolink’s existing rail safety plans, operating procedures, and protocols. The panel shall include experts in applicable fields to review and recommend both immediate and longer term improvements that will increase safety, reduce the risk of a catastrophic event, and focus on creating safety redundancy in Metrolink’s operating procedures, vehicles, facilities (wayside), and systems. In addition, the panel should be requested to review the safety plans and protocols of the Burlington Northern Santa Fe and Union Pacific railroads operating in Metrolink service area. The results of the peer review need to be presented within two weeks at a special Metrolink Board meeting.
 - E. Concurrent with the work of the “Commuter Rail Safety Peer Review Panel” challenge the Burlington Northern Santa Fe and Union Pacific railroads to implement ATS infrastructure on their locomotives operating in the Metrolink service area, including the County of Los Angeles
2. Direct the CEO to:
 - A. Immediately identify and program \$5 million for implementation of “automatic train stop” (or positive train control systems and/or other effective collision avoidance systems) on the commuter rail system in the County of Los Angeles
 - B. Report back to the Board in October with cost estimates and any additional programming required to implement these automatic train stop systems
 - C. Include funding for ATS and any other recommended safety improvements in MTA’s proposed FY 2009 budget
 3. Direct the CEO to work with Metrolink’s other funding partners to secure, identify and program funding for implementation of positive train control systems (or other effective collision avoidance systems) on the commuter rail system in the non-Los Angeles portions of Metrolink’s service area

