

MINUTES

Regular Board Meeting
Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to Order at 9:48 a.m.

Directors Present:

Antonio Villaraigosa, Chair
Gloria Molina, 1st Vice Chair
Pam O'Connor, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Don Knabe
Bonnie Lowenthal
Bernard Parks
Frank Roberts
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

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



Metro

Los Angeles County
Metropolitan Transportation Authority

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

1. APPROVED Consent Calendar Items: 2, 5, 7, 11, 12, 17, 27 and 28**.

Item 29 was removed from Consent Calendar.

**REQUIRES 2/3 VOTE OF THE BOARD

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held September 29, 2005.

3. RECEIVED Chair's Report:

- Invited Board members to attend opening of the Orange Line on Friday. The Orange Line is a 14-mile state-of-the-art busway in the San Fernando Valley. Recognized key role played by Director Yaroslavsky, a staunch advocate for the Line.
- Received an executive level briefing on the Wilshire Peer Review Panel's findings. The Panel concluded that the technology and expertise is available to safely build a subway along Wilshire Blvd.; however, precautions should be followed when tunneling under this area. The Board will receive a report detailing the Panel's findings in the coming weeks. CEO Snoble and Mr. Thorpe will review the Panel's findings and report back at the November 17 Construction Committee meeting.
- Announced adjournment in memory of Congressman Edward Roybal and civil rights leader Rosa Parks. Also honored three bus riders who were struck by a prison parolee allegedly driving a stolen tow truck in Vernon: Juana Rios, Rosa Carrera, and Daniel Dorantes.

4. Chief Executive Officer's Report – none.

5. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm fixed price design-build Contract Number C0729 to D.W. Powell Construction, Inc., for design and construction of **Soundwalls on State Route 134** between Louise Street and Harvey Drive in the City of Glendale, in the amount of \$9,777,000.

6. APPROVED **AS AMENDED** to reduce the maximum per package amount in Item D to \$1 million:
 - A. authorizing the Chief Executive Officer to enter into a Memorandum of Understanding with the State of California Department of Transportation (Caltrans) to **reimburse Caltrans for Construction and Construction Support of the Phase I, Priority 1, Package 1 Soundwalls** in the Metro Post 1989 Retrofit Soundwall Program on Southbound State Route 170 from Saticoy Street to Roscoe Boulevard for an amount not to exceed \$10,297,100;
 - B. authorizing the Chief Executive Officer to execute an amendment to the existing MOU with Caltrans to reimburse Caltrans for Right-of-Way and Right-of-Way Support of the Phase I, Priority 1, Packages 2 and 3 Soundwalls in the Metro Post 1989 Retrofit Soundwall Program, on Eastbound and Westbound Interstate 210 from Citrus Avenue to Big Dalton Wash, and on Eastbound and Westbound Interstate 210 from Rosemead Boulevard to Baldwin Avenue for an amount not to exceed \$1,539,230, increasing the total funding from \$6,583,000 to \$8,122,230;
 - C. authorizing the CEO to execute an amendment to the existing MOU with Caltrans for Construction of Demonstration Soundwall on Westbound Interstate 10 from Military Avenue to Motor Avenue for an amount not to exceed \$389,525, increasing the total funding from \$750,000 to \$1,139,525; and
 - D. amending the Metro Policy for Programming Cost Changes for STIP and Federally/Locally Funded State Highway Projects to include federally/locally funded soundwalls up to a maximum of **\$1,000,000** per package.

7. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer or his designee to execute Memoranda of Understanding (MOUs) with service providers administering the **Immediate Needs Transportation Program (INTP), the General Relief Token Program (GRTP) and the Support for Homeless Re-Entry Program (SHORE)** for up to five years. Such authorization is subject to the following:
 - A. Future year funding of these programs will be subject to the availability of funds and approval from the Board of the Directors through the Metro budget process.

- B. Metro staff will implement the recommendations of an INTP evaluation that will be presented to the Board once completed.
- C. Funding will be provided as follows and as approved by the Board of Directors in the FY 05 and FY 06 Metro Budgets:
 - 1. Immediate Needs Transportation Program
Provider: First African Methodist Episcopal Church
FY 06 Budget amount: \$2,500,000
 - 2. Immediate Needs Transportation Program
Provider: International Institute of Los Angeles
FY 06 Budget amount: \$2,500,000
 - 3. General Relief Token Program
Provider: Los Angeles County Department of Public Works
FY 05 and FY 06 Budget Amount: \$700,000 annually
 - 4. Support for Homeless Re-Entry
Grantee: Shelter Partnership, Incorporated
FY 05 and FY 06 Budget Amount: \$350,000 annually

11. APPROVED ON CONSENT CALENDAR:

- A. authorizing the Chief Executive Officer to negotiate the terms of and execute documents necessary to complete a **defeased lease transaction covering the Qualified Technological Equipment** with Bank of America Leasing & Capital;
- B. authorizing payment of fees and transaction expenses not to exceed \$1,162,500; and
- C. approving the resolution authorizing the defeased lease transaction for Qualified Technological Equipment.

12. APPROVED ON CONSENT CALENDAR adopting a resolution approving the First Supplemental Trust Indenture for the **Capital Grant Receipts Revenue Bonds**.

17. APPROVED ON CONSENT CALENDAR a **pay increase for the San Fernando Valley Service Sector General Manager**, effective upon Board approval.

22. APPROVED VILLARAIGOSA AND BURKE MOTION that the MTA Board direct the CEO to:
1. Allocate \$42,000 in Board Contingency Funds for outreach activities to **small and disadvantaged businesses** for the remainder of Fiscal Year 2005-06;
 2. Restore funding in future years and include a minimum of \$65,000 for outreach activities to small and disadvantaged businesses through the Support Services Business Unit in the Fiscal Year 2006-07 budget; and
 3. Review the best practices for SBE and DBE outreach at public agencies in Los Angeles County – including consultation with the Transportation Business Advisory Council (TBAC) – and report back in 90 days with additional recommendations for strengthening the MTA’s outreach program.
27. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute Contract Modification No. 7 to Contract No. EN070 with Ultrasystems Environmental, Inc., to provide **additional funding for environmental compliance services for facilities capital projects and the major capital projects** for an amount not to exceed \$700,000, increasing the total contract value from \$3,001,000 to \$3,701,000 and changing the contract completion date from March 30, 2006 to June 30, 2006.
28. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE OF THE BOARD:
- A. finding that awarding Design-Build contracts pursuant to Public Utilities Code Section 130242(a) will achieve for the Metro certain private sector efficiencies in the integration of the design, project work and components related to the real property renovation, repair and construction work at Metro facilities in Los Angeles County; and
 - B. authorizing the Chief Executive Officer to solicit and award **Design-Build contracts for renovation, repair and construction at Metro facilities**, pursuant to Public Utilities Code Section 130051.9(c).

29. APPROVED ITEM A AND REFERRED ITEM B TO OPERATIONS COMMITTEE AND REQUESTED AN ALTERNATIVES ANALYSIS:

- A. executing Modification No. 9 to Contract No. OP33443130 with Mitsubishi Electric & Electronics USA, Inc., to provide **Metro transit facilities elevator and escalator maintenance and repair services**, extending its contract term for a period of 90 days for an amount not to exceed \$791,220, increasing the total contract value from \$13,591,312 to \$14,382,532, effective November 1, 2005; and
- B. awarding a five-year firm, fixed unit rate Contract No. OP33440667 to Mitsubishi Electric and Electronics USA, Inc., for Metro transit facilities elevator and escalator maintenance and repair services for an amount not to exceed \$29,977,139, inclusive of two one-year options and a 1.4% contingency for as-needed additional services, effective February 1, 2006.

35. CLOSED SESSION:

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

- 1. Henry Radio, Inc. v. MTA BC323222

APPROVED settlement in the amount of \$2 million.

- 2. James v. MTA CV02-9441JFW

APPROVED settlement in the amount of \$275,000.

- 3. Labor/Community Strategy Center v. MTA CV 94-5936

NO REPORT.

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

APPROVED retention of David E. Cranston of Greenburg and Glusker to pursue litigation relating to environmental claims against AIG Insurance Co.

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

Agency Negotiator: John Catoe
Employee Organizations: ATU, UTU

NO REPORT.


36. APPROVED increase of the life-of-project budget for the **Metro Rail Security and Surveillance System project #204046** by \$3,000,000, increasing the life-of-project budget from \$3,000,000 to \$6,000,000 using funds from the existing rail capital program budget.
37. APPROVED to continue monitoring **labor issues with Transportation Concepts, Inc.**, including their commitment to offer employment to all of the displaced First Transit employees at their former hourly rate.
38. APPROVED the following nominee for membership on the **San Fernando Valley Sector Governance Council**:

Todd Campbell – Vice Mayor of the City of Burbank and resident of San Fernando Valley replacing Stacey Murphy.

ADJOURNED in memory of Congressman Edward Roybal, civil rights leader Rosa Parks, and bus riders Juana Rios, Rosa Carrera, and Daniel Dorantes.

RECEIVED public comment.

Prepared by: Michele Chau
Recording Secretary


Michele Jackson, MTA Board Secretary

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY REGULAR BOARD MEETING

THURSDAY, OCTOBER 27, 2005

DIRECTORS VOTING

ATTENDANCE	SUBJECT ITEM	ACTION TAKEN	ANTONOVICH	LOWENTHAL	FASANA	FLEMING	BURKE	O'CONNOR	VILLARAIGOSA (CHAIR)	MOLINA	YAROSLAVSKY	KATZ	KNABE	PARKS	ROBERTS	FAILING
EM D.																
1	APPROVE CONSENT CALENDAR ITEMS: 2, 5, 7, 11, 12, 17, 27, AND 28**. ITEM 29 WAS REMOVED FROM CONSENT CALENDAR **REQUIRES 2/3 VOTE OF THE BOARD	APPROVED	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD SEPTEMBER 29, 2005.	APPROVED ON CONSENT CALENDAR														
3	CHAIR'S REPORT	RECEIVED	P	P	P	P	P	P	P	P	P	P	A	P	P	
4	CHIEF EXECUTIVE OFFICER'S REPORT	NONE														

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, P-PRESENT
OCTOBER 27, 2005 FINAL RECAP MATRIX

RECAP OF PROCEEDINGS
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
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ITEM	SUBJECT ITEM	ACTION TAKEN	ANTONOVICH	LOWENTHAL	FASANA	FLEMING	BURKE	O'CONNOR	VILLARAIGOSA (CHAIR)	MOLINA	YAROSLAVSKY	KATZ	KNABE	PARKS	ROBERTS	FAILING
5	AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO AWARD A FIRM FIXED PRICE DESIGN-BUILD CONTRACT NUMBER C0729 TO D.W. POWELL CONSTRUCTION, INC., FOR DESIGN AND CONSTRUCTION OF SOUNDWALLS ON STATE ROUTE 134 BETWEEN LOUISE STREET AND HARVEY DRIVE IN THE CITY OF GLENDALE, IN THE AMOUNT OF \$9,777,000.	APPROVED ON CONSENT CALENDAR														

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LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
THURSDAY, OCTOBER 27, 2005

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ATTENDANCE		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EM		ANTONOVICH	LOWENTHAL	FASANA	FLEMING	BURKE	O'CONNOR	VILLARAIGOSA (CHAIR)	MOLINA	YAROSLAVSKY	KATZ	KNABE	PARKS	ROBERTS	FAILING	
2.	<u>SUBJECT ITEM</u>															
6	APPROVE AS AMENDED TO REDUCE THE MAXIMUM PER PACKAGE AMOUNT IN ITEM D TO \$1 MILLION; A. AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO REIMBURSE CALTRANS FOR CONSTRUCTION AND CONSTRUCTION SUPPORT OF THE PHASE I, PRIORITY 1, PACKAGE 1 SOUNDWALLS IN THE METRO POST 1989 RETROFIT SOUNDWALL PROGRAM ON SOUTHBOUND STATE ROUTE 170 FROM SATICOY STREET TO ROSCOE BOULEVARD FOR AN AMOUNT NOT TO EXCEED \$10,297,100;	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y		

APPROVED

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LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
REGULAR BOARD MEETING
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TENDANCE	ACTION TAKEN	ANTONOVICH	LOWENTHAL	FASANA	FLEMING	BURKE	O'CONNOR	VILLARACOSA (CHAIR)	MOLINA	YAROSLAVSKY	KATZ	KNABE	PARKS	ROBERTS	P	P
<p>IM</p> <p>SUBJECT ITEM</p>	<p>ACTION TAKEN</p>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<p>B. AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE AN AMENDMENT TO THE EXISTING MOU WITH CALTRANS TO REIMBURSE CALTRANS FOR RIGHT-OF-WAY AND RIGHT-OF-WAY SUPPORT OF THE PHASE 1, PRIORITY 1, PACKAGES 2 AND 3 SOUNDWALLS IN THE METRO POST 1989 RETROFIT SOUNDWALL PROGRAM, ON EASTBOUND AND WESTBOUND INTERSTATE 210 FROM CITRUS AVENUE TO BIG DALTON WASH, AND ON EASTBOUND AND WESTBOUND INTERSTATE 210 FROM ROSEMEAD BOULEVARD TO BALDWIN AVENUE FOR AN AMOUNT NOT TO EXCEED \$1,539,230, INCREASING THE TOTAL FUNDING FROM \$6,583,000 TO \$8,122,230;</p>		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 27, 2005

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ITEM	SUBJECT ITEM	ACTION TAKEN	P	P	P	P	P	P	P	P	P	P	P			
		<u>ACTION TAKEN</u>														
	<p>C. AUTHORIZING THE CEO TO EXECUTE AN AMENDMENT TO THE EXISTING MOU WITH CALTRANS FOR CONSTRUCTION OF DEMONSTRATION SOUNDWALL ON WESTBOUND INTERSTATE 10 FROM MILITARY AVENUE TO MOTOR AVENUE FOR AN AMOUNT NOT TO EXCEED \$389,525, INCREASING THE TOTAL FUNDING FROM \$750,000 TO \$1,139,525; AND</p> <p>D. AMENDING THE METRO POLICY FOR PROGRAMMING COST CHANGES FOR STIP AND FEDERALLY/LOCALLY FUNDED STATE HIGHWAY PROJECTS TO INCLUDE FEDERALLY/LOCALLY FUNDED SOUNDWALLS UP TO A MAXIMUM OF \$1,000,000 PER PACKAGE.</p>															
			ANTONOVICH	LOWENTHAL	FASANA	FLEMING	BURKE	O'CONNOR	VILLARIGOSA (CHAIR)	MOLINA	YAROSLAVSKY	KATZ	KNABE	PARKS	ROBERTS	FAILING

