

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 1:15 p.m.

Directors Present:

Gloria Molina, Chair
Antonio Villaraigosa, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Don Knabe
Bonnie Lowenthal
Ara J. Najarian
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



Los Angeles County
Metropolitan Transportation Authority

Metro

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

1. APPROVED **Consent Calendar** Items: 2, 6, 8, 9, 10, 11, 15**, 16, 17, 30, 33, 34**, 35**, 36, 37, 40 and 41.

**REQUIRED 2/3 VOTE OF THE BOARD

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held January 25, 2007.

3. RECEIVED **Chair's Report**.

- Announced adjournment in memory of Summer Kempton, daughter of Will Kempton, Caltrans Director, and Joan Munns, mother of Sharon Neely, Alameda Corridor East Director of Governmental Affairs and former Metro Board staff member.
- Reported that a delegation of Metro Board members testified before the National Surface Transportation Policy & Revenue Study Commission in Sacramento to emphasize the importance of various projects and express concerns about transportation funding allocations to L.A. County.
- Stated that staff recently received and has responded to a large volume of emails regarding a proposal to provide free fares to runners participating in the L.A. Marathon. Metro staff and the Mayor of Los Angeles have secured an agreement with the Marathon Committee in which the Committee will pay its fair share of the costs associated with providing increased public transit services to runners during the Marathon.

4. RECEIVED **Chief Executive Officer's Report**.

- Thanked Chair Molina, Director Villaraigosa and Director Fasana for their leadership in testifying before the Commission in Sacramento.
- Mentioned that the Governor has supported many projects, including two of the top projects in the L.A. County region.
- David Yale, Director of Countywide Planning and Development, provided an update on the congestion mobility improvement program and presented an overview of funding scenarios for L.A. County projects.

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- Metro hosted the National Surface Transportation Policy & Revenue Study Commission Hearing on February 21 and 22 in the Board Room. The Commission is examining ways to improve the next Federal transportation bill and ensure nation-wide mobility. Major themes during the panel discussion included ways to increase revenues (including potentially increasing the amount of the gas tax), streamlining federal requirements, and important issues to include in the next transportation bill, including goods movement.

6. **APPROVED ON CONSENT CALENDAR** finding that 88 jurisdictions are in **conformance with the Congestion Management Program (CMP)** for Los Angeles County, and determining that the City of Industry intends to come back into conformance with the CMP by April 20, 2007.
7. **APPROVED AS AMENDED** adopting a set of Guiding Principles to frame Metro's outreach effort currently underway for the **Countywide Congestion Mitigation Fee Feasibility Study**.

Lowenthal Amendment that in keeping with the level of communication that has been established, staff circulate the Guiding Principles, as a draft document, to the COGs, cities, and the Policy Advisory Committee for review and comment before returning to Planning and Programming for approval.

Burke/Lowenthal Amendment that staff be instructed to research this program, meet with the Statewide Community Infrastructure Program (SCIP) personnel and examine its applicability with the CMP Mitigation Fee and report back to this Committee after a review with the Policy Advisory Committee and other interested parties.

Katz Amendment to include in the Guiding Principles an exemption for Transit Oriented Developments.

8. APPROVED ON CONSENT CALENDAR:
 - A. the priority ranking and packaging of the Post 1989 Phase I, Priority 2 Soundwalls;
 - B. programming \$5.9 million in Proposition C 25% and Regional Surface Transportation Program funds for the development of the Supplemental Noise Barrier Scope Summary Report, final design and right-of-way support for the **Post 1989, Phase I, Priority 2 Soundwalls**, Design Packages 8 through 10; and
 - C. authorizing the Chief Executive Officer to enter into a Funding Agreement with Caltrans for an amount not to exceed \$5.9 million to fund Caltrans for this work.

9. APPROVED ON CONSENT CALENDAR:
 - A. the **Proposition A Incentive Reserve Fund fiscal year 2008 Mini Call application** for locally funded transit operator vehicle replacement projects; and
 - B. evaluation criteria.

10. APPROVED ON CONSENT CALENDAR an **updated financial forecast and baseline analysis that supports the 2007 Long Range Transportation Plan Update process.**

11. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to enter into a **Joint Development Agreement, Ground Lease and other ancillary agreements with Vermont/Santa Monica, LLC** (“Developer”), for the purpose of leasing approximately 1.1 acres of Los Angeles County Metropolitan Transportation Authority (“Metro”) owned property, located at the Vermont/Santa Monica Metro Red Line station, for development, in conjunction with adjacent property owned by Developer, of a mixed-use residential/retail project, in accordance with key terms and conditions.

14. RECEIVED AND FILED **Multi-County Goods Movement Action Plan**; and

APPROVED AS AMENDED FASANA/LOWENTHAL MOTION that:

1. the MTA Board approves the goods movement policy and will actively support the CEO's efforts to implement the approved policy;
2. the State Goods Movement Action Plan prepared by the California Environmental Protection Agency and the Business, Transportation and Housing Agency is the first in the country that identifies a statewide action plan for goods movement capacity expansion, related public health and environmental mitigation impacts, community impact mitigation, and security and public safety enhancements. The plan establishes four statewide corridors and includes short term, intermediate and long term projects. California's comprehensive plan to fully address the spectrum of issues associated with goods movement could serve as a framework for other freight intensive states as MTA works with other states and Congress on the need to establish a freight trust fund. The CEO will return in 60 days with recommendations on how the plan can be enhanced to further meet the needs of Los Angeles County;
3. based upon testimony received at the workshop and the upcoming SAFETEA-LU Commission hearing scheduled at MTA for February 21 and 22, the CEO will return in 60 days with a review and recommendation of the suggested additional goods movement policy clarifications;
4. upon completion of the Multi County Goods Movement Action Plan scheduled for July 2007, the CEO will return within 90 days, with a proposed schedule and action plan with recommended resources necessary to complete the Goods Movement Strategic Plan for Los Angeles County; and
5. the significant goods movement impacts to Los Angeles County and the need for local, state, and federal funding presented at the workshop warrant the establishment of continuing Board support and it is recommended the Chair appoint an Ad Hoc Goods Movement Committee.

Antonovich Amendment to include evaluation of the feasibility of an inland port.

15. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE authorizing the Chief Executive Officer to award a non-competitive, firm fixed price Contract No. PS92401958 to Hess & Associates to provide **Payroll System enhancements** and implementation services for a period of 12 months for an amount not to exceed \$240,000, effective April 1, 2007.

16. APPROVED ON CONSENT CALENDAR:
 - A. adopting a resolution authorizing the **creation of an Other Post Employment Benefits (OPEB) trust**;
 - B. authorizing the deposit of monetary assets on hand at June 30, 2007, that are restricted for the payment of retiree medical benefits into the OPEB trust; and
 - C. the OPEB funding strategy, "pay-as-you-go" basis, for FY08, 09 and 10 budget planning parameters.

17. APPROVED ON CONSENT CALENDAR:
 - A. amending the FY07 budget to add 14 FTEs (full-time equivalents) to Risk Management with no increase of expense or funding; and
 - B. authorizing the Chief Executive Officer to negotiate and execute a ten-year contract with Valley Oak Systems for a **Workers' Compensation Claims System** for a cost not to exceed \$1.6 million.

21. APPROVED AS AMENDED VILLARAIGOSA MOTION that the MTA Board direct the CEO to:
 1. complete a preliminary feasibility assessment (scoping) of how to provide **Wi-Fi service on the Red Line, Green Line, Blue Line, Gold Line and Orange Line**;
 2. work with cellular carriers and other wireless service providers to determine if there is a no-cost alternative to provide Wi-Fi service that provides "open access" to customers, regardless of their service provider; and
 3. report back to the Board in April 2007 with recommendations on how to proceed.

27. CLOSED SESSION:

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

1. Seraj Razavi v. LACMTA Case No. BC352358

APPROVED settlement in the amount of \$350,000.

2. Tutor-Saliba-Perini v. LACMTA, Case No. BC123559

NO REPORT.

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

- Board Secretary

NO REPORT.

C. Conference Regarding Potential Threats to Public Services or Facilities – G.C. 54957(a):

NO REPORT.

29. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY:

- A. authorizing the Chief Executive Officer to execute Modification No. 4 to Contract No. PS-8510-1762 with LaBelle-Marvin Incorporated for the **continuation of pavement engineering services for the Metro Orange Line Project**, for an amount not to exceed \$130,000, increasing the total contract value from \$150,400 to \$280,400; and

- B. Contract Modification Authority to provide funding for future contract modifications that are within the Board-delegated authority in the amount of \$100,000.

30. APPROVED ON CONSENT CALENDAR authorizing the following actions:
- A. program \$3,890,894 in State Traffic Congestion Relief Program Funds, as approved by the State for the **Metro Gold Line Eastside Extension Project, to fund ongoing project enhancements and mitigations** that are beyond the original scope of Project 800088 (Metro Gold Line Eastside Extension) to include:
 - 1. Excavation activities of the east portal;
 - 2. I-710 Freeway Bridge mitigation costs;
 - 3. City and County of Los Angeles enhancements, including, but not limited to, historical and pedestrian lighting, business mitigations; and
 - 4. Metro operational enhancements.
 - B. increase the life-of-project budget for Project 800288 (Metro Gold Line Eastside Extension Enhancements and Mitigations) by \$3,890,894, increasing the life-of-project budget from \$38,109,106 to \$42,000,000; and
 - C. amend the FY 2007 budget for Project 800288 (Metro Gold Line Eastside Extension Enhancements and Related Mitigations) to include anticipated expenditures.
33. APPROVED ON CONSENT CALENDAR implementation of **Metro Rapid Express Pilot Program**.
34. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:
- A. finding that awarding design/build contracts pursuant to Public Utilities Code Section 130242(b) will achieve 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 130242 (a), (c), (d) and (e).

35. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE authorizing the Chief Executive Officer to award a sole source, ten year unit rate Contract No. PS07643022 to Yamas Controls Southern California, Inc. for **maintenance, repair and support services for the Gateway Headquarters Building Management System** for an amount not to exceed \$640,000, effective April 1, 2007.
36. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP-34101916 with Peterson Hydraulics, Inc., the only responsive and responsible bidder, for fourteen **3-axis pneumatic personnel lifts** in the amount of \$470,703, inclusive of sales tax.
37. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a 24-month firm fixed price requirements contract under Bid Number 06-0016 with Alvarez Graffiti Guards, the lowest responsive and responsible bidder, for **rail window vandal protection sheets** for an amount not to exceed \$298,036.
40. APPROVED ON CONSENT CALENDAR adopting the following positions on **State Legislation:**
- SB 9 (Lowenthal)** – Would establish conditions for allocating goods movement project funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**
- SB 19 (Lowenthal)** – Would establish conditions for allocating air quality improvement funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**
- SB 45 (Perata)** – Would establish conditions for allocating transit security funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**
- SB 47 (Perata)** – Would establish conditions for allocating State and Local Partnership Program funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**

41. APPROVED ON CONSENT CALENDAR:

- A. an extension of time from the previous Board-approved deadline of February 15, 2007, to allow both parties to fulfill the obligations of the **Exchange Agreement With Escrow Instructions, Funding and Reimbursement Agreement** and Development Agreement Between LACMTA and LAUSD (the "Agreement"); and
- B. authorizing the CEO to execute an amendment to the Agreement to extend the close of escrow beyond the current February 15, 2007 closing date, to a date agreed upon by both parties, subject to both parties fulfilling the conditions to close under the Agreement.

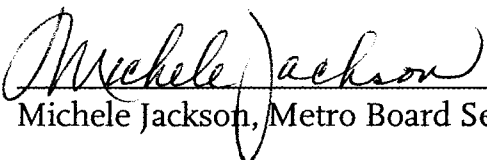
42. APPROVED the following nominee for membership on the **Westside/Central Service Sector Governance Council**:

Terri Slimmer – New appointment to fill seat vacated by Ann D. Semonco.
Appointed by: Westside Cities Council of Governments
Term ending: June 2007

RECEIVED public comment.

ADJOURNED in memory of Summer Kempton, daughter of Will Kempton, Caltrans Director, and Joan Munns, mother of Sharon Neely, Alameda Corridor East Director of Governmental Affairs and former Metro Board staff member.

Prepared by: Michele Chau
Board Specialist


Michele Jackson, Metro Board Secretary

