

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:41 A.M.

Directors

Pam O'Connor, Chair
Antonio Villaraigosa, 1st Vice Chair
Don Knabe, 2nd Vice Chair
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Bonnie Lowenthal
Gloria Molina
Ara J. Najarian
Bernard Parks
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[™]

1. APPROVED **Consent Calendar** Items: 2, 6, 7, 8, 9, 14, 15, 16, 21, 22, 25, 39*, 40, 41, and 42.

Item 11 was removed from the Consent Calendar.

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held July 26, 2007 and of Special Board Meeting held August 16, 2007.

3. Chair's Report

- Discussed the inaugural meetings of the Metro Congestion Reduction Pricing and Sustainability Committees.

4. Chief Executive Officer's Report

- No Report.

6. APPROVED ON CONSENT CALENDAR:

- A. the **Average Cash Fare Reimbursement Method for the EZ Transit Pass Program**; and

- B. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements between Metro and EZ Transit Pass operators to implement the revised reimbursement method, effective July 1, 2007.

7. APPROVED ON CONSENT CALENDAR BY A 3/4 VOTE:

- A. delegating to the Chief Executive Officer the authority to make technical changes to the **Soundwall Implementation Policy**; and

- B. canceling Final Design for Soundwall Phase I, Priority 2, Package 9, and add 0.1 mile to Phase I, Priority 2, Package 11.

8. APPROVED ON CONSENT CALENDAR:

- A. executing contract modification No.8 to Contract No. C0729 with D.W. Powell Construction, Inc. for modification to delete replacement of

Overhead Sign No. 25 on the **SR 134 Soundwall Project** for a credit of \$212,363; and

- B. Contract Modification Authority under Contract No. C0729 to provide funding for modifications that are within Board-delegated authority, in the amount of \$590,000.

9. APPROVED ON CONSENT CALENDAR:

- A. three **Very Small Starts projects** for submittal to the Federal Transit Administration for their consideration in the FY 2009 federal funding cycle:

- 1. Wilshire Boulevard Bus-Only Lane
- 2. Van Nuys Corridor Bus Speed Improvement
- 3. Sepulveda Corridor Bus Speed Improvement

- B. \$10.3 million in Transit Congestion Relief Program funds as local match funds for the Van Nuys and Sepulveda Corridor Bus Speed Improvement projects.

10. AUTHORIZED the Chief Executive Officer to enter into an Exclusive Right to Negotiate with Lowe Enterprises, the most qualified “firm”, to develop a **mixed-use project on Metro properties adjacent to the Metro Red and Orange Lines termini in North Hollywood.**

11. APPROVED:

- A. increasing the life-of-project (LOP) budget for the Expo Phase 1 LRT Project by \$23.3 million, increasing the LOP budget from \$640 million to \$663.3 million;
- B. \$9.7 million of Proposition A 35% and \$13.6 million of Proposition C 25% sales tax funds to fund the **additional scope for Expo Phase I**; and
- C. amending the FY08 budget to add \$6.5 million of expenditures and revenues to the budget for Project #890001 Expo Phase I.

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. APPROVED ON CONSENT CALENDAR:
- A. adopting a resolution authorizing the **creation of an irrevocable trust for the investment of Workers' Compensation and General Liability reserves**; and
 - B. authorizing the deposit of monetary assets equal to the General Liability and Workers' Compensation booked liabilities into the Workers' Compensation and General Liabilities Trust.
16. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a seven year firm fixed price Contract No. PS07511019 to Thompson, Cobb, Bazilio and Associates for **Proposition A and Proposition C annual audits** in the amount of \$230,000 inclusive of two, one-year options effective September 1, 2007.
20. FORWARDED TO EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE adoption of the five-year **Metro Ridership Plan** as amended:
- FASANA/BURKE AMENDMENT that the CEO:
- A. direct staff to return to the October 2007 full Board with an amended Plan that includes TAP technology options that clearly promote ridership growth opportunities. TAP staff are to include and discuss recognized examples in the Plan such as:
 - opportunities for sponsorship from local and national businesses to underwrite cost of TAP cards with co-branding and advertising.
 - ability to implement multi-use TAP card with transit oriented development projects (TOD) at retail stores, parking, hotels, restaurants (site examples in operation in Europe and Asia).
 - ways to implement TAP at senior centers, schools, recreation centers near TODs and Metro bus/rail hubs.

- strategies to work with theater chains, destination points such as theme parks, museums, etc. using TAP.
- strategies for use of TAP for off-site parking to sporting and musical/entertainments and to ride Metro to the venue, i.e. Rose Bowl, Dodger Stadium, Staples, Coliseum, Convention Center, Hollywood Bowl, Long Beach Auditorium, etc.
- strategies to implement cell-phone technology to work on TAP system.
- strategies to implement low-cost paper smart cards for ridership opportunities with tourism agencies, convention centers, etc.
- other TAP opportunities that present ridership growth potential.

- B. amend the funding plan to be limited to Year 1, including TAP initiatives, and to clearly define in the Plan an annual process to measure the progress of programs and their impacts to ridership growth. Staff are directed to identify additional yearly funding needed for continuation of initiatives undertaken after Year 1, or to add and amend the funding plan for new initiatives being recommended.
- C. return quarterly to report on the progress of each adopted year's Plan to the Executive Management and Audit Committee and Operations Committee.

21. APPROVED ON CONSENT CALENDAR amending the FY08 budget to add \$184,000 to cost center #7110 Public Relations which includes **Employee Activities** and fund with balances generated from prior year employee activities and retail sales.

22. APPROVED ON CONSENT CALENDAR adopting a position on S. 1926 (Dodd) – A bill to **establish a National Infrastructure Bank** to provide funding for qualified infrastructure projects. SUPPORT – WORK WITH AUTHOR.

24. AUTHORIZED the Chief Executive Officer to execute:

- A. two five-year fixed rate **multiple award agreements, one bench for state and locally funded work and one bench for federally funded work** with the firms listed below, inclusive of two one-year options, effective October 1, 2007 for a cumulative total amount not to exceed \$8,300,000; and

	Contractor	STATE	FEDERAL
1.	BDO Seidman, LLP	X	X
2.	Chung & Chung Accountancy Corp. CPAs	X	X
3.	James P. Richardson, CPA	X	X
4.	Jefferson Wells International	X	X
5.	Jones & Company Professional Consultants	X	X
6.	KNL Support Services	X	X
7.	KPMG, LLP	X	X
8.	Lopez and Company, LLP	X	X
9.	Macias Consulting Group, Inc.	X	X
10.	Macias Gini & O'Connell, LLP	X	X
11.	Mayer Hoffman McCann, P.C.	X	X
12.	P.M. Chestang and Associates	X	X
13.	QIU Accountancy Corporation	X	X
14.	Simpson & Simpson CPA's	X	X
15.	Sox Solutions	X	
16.	Thompson, Cobb, Bazilio & Associates, PC	X	X
17.	Vasquez & Company LLP	X	X
18.	Wang Professional Corporation	X	X

B. task orders under these contracts for audit services for a total amount not to exceed \$8,300,000.

25. APPROVED ON CONSENT CALENDAR 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, 2008.

26. AUTHORIZED the Chief Executive Officer to:

A. establish a **Bus Accident Investigative Unit** under the direction of the Director for Corporate Safety;

B. amend the FY08 budget to add four full-time equivalent employees to the Safety department for the Bus Accident Investigation Unit; and

C. amend the FY08 budget to add \$570,000 of expenses and reprogram funding sources to assign available revenues for funding overall safety department budget expenditures.

29. RECEIVED AND FILED a report on Metro's **Fare Checking Plan**.
32. **CLOSED SESSION:**
- A. Conference with Legal Counsel - Pending Litigation- G.C. 54956.9 (a):
1. Eleanor Connor v. LACMTA, Case No. BC0358268
APPROVED settlement in the amount of \$250,000.
 2. Yolanda Vasquez v. LACMTA, Case No. BC344283
APPROVED settlement in the amount of \$400,000.
 3. Ernest Bassett v. LACMTA, Case No. SC088225
APPROVED settlement in the amount of \$337,500
 4. Diana Akwaboah v. LACMTA, Case No. BC363268
APPROVED settlement in the amount of \$225,000.
- B. Conference with Labor Negotiator – G.C. 54957.6
- Agency Negotiator – Carolyn Flowers
Employee Organization – AFSCME
- NO REPORT.
- C. Personnel Matters – G.C. 54957:
- Public Employee Performance Evaluation
- Chief Executive Officer
- NO REPORT.
34. AUTHORIZED the Chief Executive Officer to **execute Contract Modification No. 103.00 in the credit amount of \$3,551,447 to Contract No. C0803 with Eastside LRT Constructors to decrease unit price items** on tunneling work completed, as well as unit price items for which no work was performed for tunneling activities, which will decrease the total contract price from \$622,502,292 to \$618,950,845.

35. AUTHORIZED an increase in an amount not to exceed \$4,500,000 to Contract No. EN074 with CH2M Hill Constructors, Inc. to **issue additional Contract Work Orders for Environmental Hazardous Materials and Construction Services** through fiscal year 2008, increasing the total contract value from \$5,900,000 to \$10,400,000.
36. AUTHORIZED the Chief Executive Officer to execute:
- A. Contract Modification No. 16.00 in the amount of \$525,000 to Contract PS-4310-0964 with Eastside LRT Partners, a Joint Venture of Parsons Brinckerhoff, Jenkins/Gales & Martinez, and Barrio Planners, Inc. for engineering and environmental services on the Pomona/Atlantic parking structure, which will increase the total contract value from \$41,527,829 to \$42,052,829; and
 - B. future contract modifications to Contract No. PS-4310-0964 for the **Metro Gold Line Eastside Extension** for an amount not to exceed \$52,500.
39. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:
- A. finding that the procurement of 45' lightweight composite buses under Public Utilities Code § 130232 does not constitute a procurement method adequate for Metro's needs and authorizing procurement of these 45' lightweight composite buses pursuant to Public Contracts Code (PCC) § 20217 for procurement by competitive negotiation; and
 - B. authorizing the Chief Executive Officer to solicit a proposal **for a two-year contract for up to two-hundred sixty lightweight transit buses** as a competitive negotiation pursuant to PCC § 20217 and Metro's Procurement Policies and Procedures.
40. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP-3434-2058 with **Victor Buick Pontiac GMC Truck, Inc.**, the lowest responsive and responsible bidder, for 135 four-door sedan vehicles for an amount not to exceed \$2,362,013, inclusive of sales tax.

41. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:
- A. finding that the single bid received for one hi-rail stake bed truck with articulated crane under Public Utilities Code (PUC) § 130232 has been rejected and may be purchased at a lower price on the open market and authorizing the purchase of one hi-rail stake bed truck with articulated crane on the open market pursuant to PUC § 130233; and
 - B. authorizing the Chief Executive Officer to award a **firm fixed price contract to the firm that can offer the best price and availability for one hi-rail stake bed truck with articulated crane for a firm fixed amount not to exceed \$250,000 inclusive of sales tax.**
42. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a five-year, indefinite delivery/indefinite quantity Contract No. PS07643032 to **McAllister Office Pavilion for Space Planning/Installation Services and Herman Miller Furniture** for an amount not to exceed \$1,000,000, effective October 1, 2007.
47. APPROVED **VILLARAIGOSA MOTION TO RECEIVE** verbal report from the Inspector General on the status of the Board motion approved on March 22, 2007 directing the Office of the Inspector General to **conduct a performance and compliance audit of Access Services, Inc.** and its contractors, including those charged with determining eligibility for paratransit services.
48. APPROVED **MOLINA MOTION** that the Board directs the Chief Executive Officer, notwithstanding any other efforts, to **take all steps necessary to protect State transportation funds.** The Chief Executive Officer shall be authorized to explore potential legislation including ballot initiatives to be submitted to the voters and litigation against the State in order to protect transportation funding.
49. APPROVED:
- A. staff recommendations regarding Call for Projects, Technical Advisory Committee motions, public comments and additional staff funding recommendations;
 - B. programming \$454.520 million, in eight modal categories for the **2007 Countywide Call for Projects**, including \$8.148 million in FY 2007-2008, and FY 2008-2009 Supplemental Call funding and

advancing \$5 million from the 2009 Countywide Call for Projects to the 2007 Countywide Call for Projects in the time period of FY 2010-2013, to fund Project #1178, I-710 Early Action Plan – Intersection Improvements for the City of South Gate, with the expectation that the cash flow requirements can be met through first priority for funding from deobligated or delayed projects;

- C. all projects for potential nomination to the California Transportation Commission for 2008 State Transportation Improvement funds as necessary;
- D. amending the recommended 2007 Countywide Call for Projects Program of Projects in the FY 2008/09-2013/14 Los Angeles Regional Transportation Improvement Program;
- E. administering the 2007 Countywide Call for Projects as a project-specific grant program with the requirement that project sponsors bear all cost increases;
- F. authorizing Metro to administratively provide project sponsors with funding earlier than scheduled if the project sponsor can demonstrate project readiness to proceed and such funds are available; and
- G. adopting the resolution required by the Southern California Association of Governments which certifies that Los Angeles County has the resources to fund the projects in the FY 2008/09-2013/14 Regional Transportation Improvement Plan and affirms its commitment to implement all of the projects in the program.

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

Appointee: Shelby Jordan
Appointed by: Supervisor Yvonne B. Burke, Board of Supervisors,
County of Los Angeles
Term ending: June 2010

ADJOURNED AT 12:45 P.M.

Prepared by: William Walker
Board Specialist


Michele Jackson, Metro Board Secretary



RECAP OF PROCEEDINGS

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY REGULAR BOARD MEETING THURSDAY, SEPTEMBER 27, 2007

		DIRECTORS VOTING													
ATTENDANCE		P	P	P	P	P	P	P	P	P	P	P	P		
ITEM NO.	<u>SUBJECT ITEM</u>	FLEMING	FASANA	YAROSLAVSKY	MOJINA	PARKS	KNABE	O'CONNOR (CHAIR)	VILLARAIGOSA	BURKE	NAJARIAN	ANTONOVICH	LOWENTHAL	KATZ	P
	<u>ACTION TAKEN</u>														
1	APPROVE CONSENT CALENDAR ITEMS: 2, 6, 7**, 8, 9, 14, 15, 16, 21, 22, 25, 39*, 40, 41*, AND 42. *NOTE: ITEMS 39 AND 41 REQUIRE 2/3 VOTE OF THE BOARD. **NOTE: ITEM 7 REQUIRES 3/4 VOTE OF THE BOARD.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD JULY 26, 2007 AND OF SPECIAL BOARD MEETING HELD AUGUST 16, 2007.														

DIRECTORS VOTING

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ATTENDANCE			P	P	P	P	P	P	P	P	P	P	P	P		
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	FLEMING	FASANA	YAROSLAVSKY	MOLINA	PARKS	KNABE	O'CONNOR (CHAIR)	VILLARAIGOSA	BURKE	NAJARIAN	ANTONOVICH	LOWENTHAL	KATZ	FAILING
3	CHAIR'S REPORT	<p>RECEIVED.</p> <p>ADJOURNMENT IN MEMORY OF CITY OF INDUSTRY CITY COUNCILMEMBER PHIL MARCELLIN AND RICHARD POWERS, FORMER GENERAL COUNCIL FOR THE SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT.</p> <p>REPORTED BRIEFLY ON INAUGURAL MEETINGS OF METRO'S CONGESTION REDUCTION PRICING AND SUSTAINABILITY COMMITTEES.</p>	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4	CHIEF EXECUTIVE OFFICER'S REPORT	NO REPORT.														
6	<p>PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):</p> <p>A. APPROVING THE AVERAGE CASH FARE REIMBURSEMENT METHOD FOR THE EZ TRANSIT PASS PROGRAM; AND</p> <p>B. AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE ALL NECESSARY AGREEMENTS BETWEEN METRO AND EZ TRANSIT PASS OPERATORS TO IMPLEMENT THE REVISED REIMBURSEMENT METHOD, EFFECTIVE JULY 1, 2007.</p>	APPROVED ON CONSENT CALENDAR.														

		DIRECTORS VOTING														
ATTENDANCE			P	P	P	P	P	P	P	P	P	P	P	P	P	P
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	FLEMING	FASANA	YAROSLAVSKY	MOLINA	PARKS	KNABE	O'CONNOR (CHAIR)	VILLARAIGOSA	BURKE	NAJARIAN	ANTONOVICH	LOWENTHAL	KATZ	FALLING
7	PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0); A. DELEGATING TO THE CHIEF EXECUTIVE OFFICER THE AUTHORITY TO MAKE TECHNICAL CHANGES TO THE SOUNDWALL IMPLEMENTATION POLICY; AND B. CANCELING FINAL DESIGN FOR SOUNDWALL PHASE 1, PRIORITY 2, PACKAGE 9, AND ADD 0.1 MILE TO PHASE 1, PRIORITY 2, PACKAGE 11. (REQUIRES 3/4 VOTE OF THE BOARD)	APPROVED ON CONSENT CALENDAR BY A 3/4 VOTE.														

		DIRECTORS VOTING														
ATTENDANCE			P	P	P	P	P	P	P	P	P	P	P	P	P	
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	FLEMING	FASANA	YAROSLAVSKY	MOLINA	PARKS	KNABE	O'CONNOR (CHAIR)	VILLARAIGOSA	BURKE	NAJARIAN	ANTONOVICH	LOWENTHAL	KATZ	FAILING
8	<p>PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO:</p> <p>A. EXECUTE CONTRACT MODIFICATION NO.8 TO CONTRACT NO. C0729 WITH D.W. POWELL CONSTRUCTION, INC. FOR MODIFICATION TO DELETE REPLACEMENT OF OVERHEAD SIGN NO. 25 ON THE SR 134 SOUNDWALL PROJECT FOR A CREDIT OF \$212,363; AND</p> <p>B. APPROVE CONTRACT MODIFICATION AUTHORITY UNDER CONTRACT NO. C0729 TO PROVIDE FUNDING FOR MODIFICATIONS THAT ARE WITHIN BOARD DELEGATED AUTHORITY, IN THE AMOUNT OF \$590,000.</p>	APPROVED ON CONSENT CALENDAR.														

