

REVISED Agenda

**Regular Board Meeting
Board of Directors**

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

Call to Order

Directors

Antonio Villaraigosa, Chair
Don Knabe, 1st Vice Chair
Ara J. Najarian, 2nd Vice Chair
Michael Antonovich
John Fasana
David Fleming
Richard Katz
Gloria Molina
Pam O'Connor
Bernard Parks
Mark Ridley-Thomas
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

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



Metro

Los Angeles County
Metropolitan Transportation Authority

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for up to 5 minutes per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary prior to the start of the meeting.

The public may also address the MTA on non-agenda items within the subject matter jurisdiction of the MTA during the public comment period, which will be held at the end of each meeting. Each person will be allowed to speak for one minute and may speak no more than once during the Public Comment period. Public Comment will last a maximum of 30 minutes, or as otherwise indicated by the Chair. Speakers will be called according to the order in which the speaker request forms are received until the Public Comment period has expired. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

At the discretion of the Chair, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.

A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.

Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and

Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

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General Information/Rules of the Board - (213) 922-4600

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NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

1. APPROVE **Consent Calendar Items:** 2, 5, 6, 7, 8, 9, 13, 17, 24, 25, 32, 33, 34, 37, 38, 40 AND 44.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting** held October 23, 2008.

5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) **allowing the City of Bellflower to deviate from the Right-of-Way Preservation Guidelines** as well as a Call for Projects grant condition as follows:
 - A. move the location of bike and pedestrian path ten feet to the north in two locations for a total of 1,090 feet towards the center of the right-of-way; and
 - B. move the location of the bike and pedestrian path fifteen feet to the north spanning one block for a distance of 2,300 feet towards the center of the right-of-way.
 - C. Deviations A and B are subject to the following condition: the remaining areas between the allowed tree and shrub plantings at both edges of the right-of-way and the bike and pedestrian paths will be covered with mulch only.

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) **as corrected** authorizing the Chief Executive Officer to:
 - A. **increase the bicycle locker rental fee** from \$15 semi-annually/\$25 annually to \$24 semi-annually with no annual lease option;
 - B. increase the bicycle locker rental fee with variable pricing of up to \$36 semi-annually at certain high demand stations with waiting lists; and
 - C. delegate to the Chief Executive Officer the authority to ~~set~~ **raise** bicycle locker ~~rates~~ **fees by an amount not to exceed inflation.**

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):

- A. **programming \$130 million of the \$275.5 million anticipated Los Angeles County share of Proposition 1B State and Local Transportation Partnership Program (SLTPP) funds** for the following eligible Los Angeles County transportation projects that are already funded:

Interstate 5 South from Orange County Line to SR 605	\$50 million
Interstate 5/Carmenita Interchange	\$40 million
Interstate 5 North Carpool Lanes from SR 118 to SR 170	\$40 million

- B. programming the remaining \$145.5 million in SLTPP funds to the following:

Metro Bus and Rail Transit Capital and Safety Improvements	\$41.3 million
San Fernando Valley North-South Canoga Corridor	\$73.8 million
Metrolink Safety Improvements	\$20 million
2009 Countywide Call for Projects	\$10.4 million; and

- C. re-programming the \$130 million of local sales tax funds released by the SLTPP programming action in “A” above to the following:

San Fernando Valley North-South Canoga Corridor (match)	\$73.8 million
East San Fernando Valley North-South Corridor (match)	\$2.7 million
Metrolink Safety Improvements (match)	\$20 million
2009 Countywide Call for Projects	\$33.5 million

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)

programming of up to \$90.2 million in state **Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account bond funds**, which the Los Angeles County Metropolitan Transportation Authority is entitled to receive as the regional transit operator for Los Angeles County, and apply the funds to miscellaneous transit projects.

9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):

A. authorizing the Chief Executive Officer to:

1. lend up to \$4 million dollars in Prop C-10% funds (the "Loan") to an entity controlled and managed by McCormack Baron Salazar, Inc. on terms set forth for the purpose of constructing, as part of MBS's **Westlake/MacArthur Park joint development**, 100 parking spaces for use by transit patrons;
2. ground lease the Los Angeles County Metropolitan Transportation Authority property encompassing the Commuter Parking Spaces (the "Commuter Parking Ground Lease") to an entity controlled and managed by MBS;
3. sublease back from MBS Parking Ground Lessee throughout the term of the Loan the right to use the Commuter Parking Spaces during that period commencing at the beginning of each weekday morning's commute and ending at the end of each weekday evening's commute (the "Commuter Parking Sublease"); and
4. enter into and execute loan documents, security instruments, inter-creditor agreements, the Commuter Parking Ground Lease, the Commuter Parking Sublease, covenants on our interest regarding the development, and other related documents and agreements with MBS, MBS Lender, MBS Parking Ground Lessee and financial institutions involved in the Westlake/MacArthur Park joint development, as applicable, all in accordance with the terms and conditions set forth.

B. finding that it is in best interest of Metro to authorize the CEO to take the actions set forth.

13. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) ratifying the Chief Executive Officer's renewal of the **group insurance policies** covering Non-Contract, AFSCME, and Expo employees for a one-year period beginning January 1, 2009.
17. AD-HOC CONGESTION PRICING COMMITTEE RECOMMENDED (4-0) adopting the **Public Outreach and Communications Plan** for the Congestion Reduction Demonstration Project.

24. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving the **salary of \$200,000 for the Executive Officer, Highway Project Management** (salary grade BB, \$142,641 - \$178,301 - \$213,962).

25. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
 - A. exercise a negotiated three-month extension to Memorandum of Understanding (MOU) No. TCP2610LASD with the Los Angeles Sheriff's Department (LASD) for **transit community policing services** and;
 - B. execute Modification No. 13 MOU TCP2610LASD to provide funding for FY09 transit community policing services in the amount not-to-exceed \$15,930,485 for the period January 1, 2009 through March 31, 2009, revising the Total Contract Value from \$318,277,919 to \$334,208,404.

32. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to enter into a one year extension of Contract No. PS0264301321, a combination fixed price and indefinite quantity / indefinite delivery type agreement with MCM Integrated Systems, Inc. (MCM) for maintenance of the **agencywide security system** at a price not-to-exceed \$129,595 increasing the Total Contract Value from \$1,289,936 to \$1,419,531 effective December 5, 2008.

33. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a five-year firm fixed unit rate contract, Contract No. OP33442235 to XLNT Tint of Anaheim, Inc., the lowest price responsive, responsible bidder, to provide **anti-graffiti film and window tinting services** for Metro transit facilities in an amount not to exceed \$1,988,505, inclusive of two one-year options.

34. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a firm fixed-price unit rate contract under Bid No. 08-0025 with RAM Industrial Services, Inc., the **lowest responsive and responsible bidder, for the overhaul of 306 Breda A650 (Option) heavy rail vehicle traction motors** for an amount not-to-exceed \$1,447,855.

37. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
- A. award a six-year firm fixed unit rate variable quantity contract, Contract No. OP30002227, to Prudential Overall Supply, Inc. to provide **uniform rental service including laundry services** for hand towels, mats, and vehicle seat covers in an amount not-to-exceed \$2,792,162 inclusive of one three-year option and a 10% contingency, effective December 5, 2008; and
 - B. issue Contract Modification No. 04 in an amount not-to-exceed \$150,000 to extend Contract No. OP3000646 with Aramark Uniforms and Career Apparel, Inc., from January 2, 2009 through April 1, 2009.
38. OPERATIONS COMMITTEE RECOMMENDED (3-0) approving the **exception of Santa Monica Municipal Bus Lines Rapid 7 (Pico Blvd.) from service parameters specified in the New Service Plan** effective August 18, 2008.
40. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 24-month firm fixed unit rate contract under Bid Number PS30202281 to eAccess, LLC, the lowest responsive, responsible bidder for **contactless smart card** for an amount not to exceed \$1,500,000, inclusive of sales tax.
44. CONSTRUCTION COMMITTEE RECOMMENDED (3-0):
- A. increasing the Life-Of-Project Budget for Project 800288 (Metro Gold Line Eastside Extension Enhancements and Mitigations) in the amount of \$8,700,000, increasing the previously authorized amount of \$42,703,000 to \$51,403,000; and
 - B. authorizing the Chief Executive Officer to:
 - 1. execute Contract CO893 for the **Pomona/Atlantic Parking Structure** with M. Klorman Construction, the lowest responsive and responsible bidder; and
 - 2. execute contract modifications for this contract for an amount not to exceed \$1,650,000.

NON-CONSENT:

3. Chair's Report
4. Chief Executive Officer's Report
10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)
approving revised Burke O'Connor Yaroslavsky Motion that the MTA Board of Directors:
 - A. ~~authorize the CEO to sign the Los Angeles Regional Collaborative for Climate Action & Sustainability Charter as a Steering Committee Member and participate as necessary to~~ **instruct the Chief Executive Officer to coordinate appropriate staff participation in the activities of the Los Angeles Regional Collaborative for Climate Action & Sustainability** in order to cost-effectively meet the obligations and commitments of SB 375, AB 32, and other climate change related legislation; and
 - B. instruct the Chief Executive Officer to coordinate with the Collaborative to develop best practices on sustainable mobility, travel demand management partnerships, and other opportunities to reduce Los Angeles County's transportation carbon footprint.
11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)
 - A. receiving and filing **Consolidated Rail Yard Analysis** that identifies and assesses potential sites for developing light rail facilities and increasing the storage capacity for light rail vehicles; and
 - B. approving **Katz Motion** that the MTA Board of Directors direct the Chief Executive Officer to report back during the January 2009 Board cycle on the following:
 1. identifying projected Measure R revenues available to acquire real property for rail yard and maintenance facility development, on both a cash flow and bond (debt) basis.

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2. providing preliminary cost estimates for the nine sites identified in the “Consolidated Rail Yard Site Yard Analysis Report”
 3. assessing the availability of the nine sites identified in the “Consolidated Rail Yard Site Yard Analysis Report” and estimating the best case, probable, and worst case schedule to acquire each property
 4. recommending whether or not it would be advantageous for the MTA to acquire one or more of the properties in the near-term, and if yes:
 - A. which properties should MTA acquire?
 - B. what would be the proposed schedule to acquire the properties?
 - C. Analysis of how much of the current and future rail yard demand would be accommodated by acquiring and developing the recommended properties
 - D. Preliminary funding plan to acquire the proposed properties
 5. If none of the properties are recommended for acquisition, identify an alternative strategy to meet the current and future rail yard demand.
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22. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) adopting **as amended** the proposed 2009 Federal and State Legislative Program **that directs the CEO to pursue state and federal legislative initiatives that promote the efficient and rapid delivery of Measure R projects as well as leverage Measure R funds for additional state and federal transportation resources, and to form a coalition to protect state revenues.**
 29. CONSTRUCTION COMMITTEE RECEIVED oral status update on the four quadrant gate analysis for the Metro Gold Line Eastside Extension and RECOMMENDED (4-0) approving **Molina Motion** that the Metro Board authorize the Chief Executive Officer to **use the existing project management assistant contract (PM024) to perform the initial analysis outlined in the report** (Step 1 – Determine Feasibility, \$80,000-\$100,000, 4-6 months) before using funds available in the Construction Division professional services budget.

30. CONSTRUCTION COMMITTEE RECOMMENDED approval **as amended** (4-0):

- A. finding that awarding design-build contracts pursuant to Public Utilities Code Section 130242(b) will achieve for 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 rail facilities (Divisions 20/21)**, pursuant to Public Utilities Code Section 130242(a), (c), (d) & (e);

(REQUIRES A 2/3 VOTE OF THE BOARD)

Molina Amendment that the Metro Board direct the Chief Executive Officer to enter into a memorandum of understanding with the City of Los Angeles that commits to the following points:

1. There will **be no further expansion of Midway Yard** other than that specified in the action before the Board today.
2. Metro will be a partner with the City in pursuing a grade crossing adjacent to Midway Yard in order to provide access to the river
3. Metro will engage Metrolink as a participant in the working group.
4. Metro will conduct periodic outreach to the surrounding community regarding operations at Midway Yard and their collaboration on river issues.
5. Metro will work with the City to actively pursue options for acquiring property for the establishment of a consolidated rail facility to meet the growing needs of the Metro rail system in Los Angeles County including the eventual relocation of the facilities at Midway Yard.

35. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing:
- A. Contract Modification No. 2 to Contract PS4310-1268-12-10-2 to STV, Inc. for Final Design Services and Bid Period Services for **14 new canopies over the exposed escalators and stairs** at existing Metro Red Line subway station entrances in an amount not-to-exceed \$804,364, increasing the total contract value from \$833,997 to \$1,638,361;
 - B. additional Contract Modification authority in an amount not-to-exceed \$100,000 for potential changes; and
 - C. an increase in the cumulative total value by \$804,364 for the Countywide Planning Bench and Development Bench under Contract Number PS4310-1268 increasing the total authorized amount from \$14,770,000 to \$15,575,361.
36. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to:
- A. award and execute a firm fixed price Contract No. OP-3340-2180 to Maintenance Design Group (MDG) for Architecture/Engineering (A/E) Services, Tasks 1 through 6, for the **Union Division Bus Maintenance** and Operations Facility, in an amount not-to-exceed of \$5,432,774; and
 - B. award and execute a time-and-materials Contract No. OP-3340-2180 to MDG for A/E Services, Tasks 7 and 8, for the Union Division Bus Maintenance and Operations Facility, in an amount not-to-exceed \$1,360,077; and
 - C. execute contract modifications to Contract No. OP-3340-2180, for the Union Division Project for Contract Modification Authority in an amount not-to-exceed \$750,000.
45. RECEIVE oral report on **transit security program**. (HANDOUT) (HANDOUT2)

46. VILLARAIGOSA MOTION that the MTA Board of Directors:
- A. Direct the CEO to solicit feedback through the Service Sectors on what type of **bus service improvements** are wanted by the public by February 2009
 - B. Provide to the MTA Board and municipal operators by March 2009 with an estimate of the MTA and municipal operator portions of Measure R 20% using the formula allocation procedure (FAP)
 - C. Direct the CEO to coordinate with the municipal operators to avoid service duplication or other inefficiencies, including requesting information on how each municipal operator intends to spend its portion of Measure R 20% funds
 - D. Direct the CEO to report back during the March 2009 Board cycle with recommendations for a new “Bus System Improvement Plan” for MTA’s portion of Measure R 20% funding that considers, but is not limited to:
 - 1. New clean fuel bus purchases
 - 2. Additional fare freeze or fare reduction
 - 3. Added bus lines
 - 4. More frequent service
 - 5. Longer hours of operation
47. FLEMING MOTION that the LACMTA Board direct the Chief Executive Officer to **provide \$135,000 to Fixing Angelinos Stuck in Traffic (FAST)** for its first 12 months of operation. This Metro contribution will be matched by \$265,000 for the first year through FAST board membership and other sources.

(CARRIED OVER FROM OCTOBER REGULAR MEETING)

ITEM 47 WITHDRAWN

48. AUTHORIZE the Chief Executive Officer to **enter into Bid Stipend Agreements** with each of the unsuccessful responsive bidders for **Contract CO882 (I-405 HOV Lane)** in an amount of \$1,000,000 per Stipend Agreement in exchange for the bidder’s agreement that Metro shall be entitled to use all of the work products included with the bid.

49. APPROVE the following nominees for **membership on the South Bay Service Sector Governance Council**:

Devon Deming – Reappointment

Appointed by: South Bay Cities Council of Governments

Term ending: November 2011

Ralph Franklin – Reappointment

Appointed by: South Bay Cities Council of Governments

Term ending: November 2011

Rena Kambura – New Appointment

Appointed by: South Bay Cities Council of Governments

Term ending: November 2011

Kim Turner – New Appointment

Appointed by: South Bay Cities Council of Governments

Term ending: November 2011

Don Szerlip – Reappointment

Appointed by: South Bay Cities Council of Governments

Term ending: November 2011

50. **CLOSED SESSION:**

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

1. Micaela Bastianelli v. LACMTA, Case No. BC37182
2. Eleanor Russell et al v. LACMTA, Case No. BC363479
3. Marina Lobyanik (Barbara Altman) v. LACMTA, Cas No. 379117
4. Jeffrey Schreiber v. LACMTA, Case No. YC054692
5. Gloria Sotoj v. LACMTA, Case No. BC381939
6. Perla Sermonia v. LACMTA, Case No. BC381814
7. Rick Boggs, et al. v. LACMTA, Case No. BC33634
8. City of South Pasadena v. MTA, Case. No. BS116620, consolidated with City of La Canada/Flintridge v. LACMTA, Case No. BS116621

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

1. Initiation of Litigation (One case)

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN
COMMITTEE'S SUBJECT MATTER JURISDICTION

ADJOURNMENT