

REVISED AGENDA

**Regular Board Meeting
Board of Directors**

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

Call to Order

Directors

Ara J. Najarian, Chair
Don Knabe, 1st Vice Chair
Antonio Villaraigosa, 2nd Vice Chair
Michael Antonovich
Diane DuBois
John Fasana
José Huizar
Richard Katz
Gloria Molina
Pam O'Connor via Teleconference*
Rita Robinson
Mark Ridley-Thomas
Zev Yaroslavsky
Vacant, non-voting member

Officers

Arthur T. Leahy, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
Karen Gorman, Acting Inspector General
County Counsel, General Counsel

*Teleconference location: 906 9th Street #11, Santa Monica, CA 90403.



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.

ADA REQUIREMENTS

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

HELPFUL PHONE NUMBERS

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)
General Information/Rules of the Board - (213) 922-4600
Internet Access to Agendas - www.metro.net
TDD line (800) 252-9040

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

**SUMMARY OF AGENDA ITEMS
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING
THURSDAY, APRIL 22, 2010**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2	NONE	3	58
5		4	
6		27	
7		33	
13		49	
14		54	
15		55	
16		56	
19		57	
21			
22			
34			
35			
41			
42			
46			
47			
48			

1. APPROVE **Consent Calendar** Items: 2, 5, 6, 7, 13, 14, 15, 16, 19, 21, 22, 34, 35, 41, 42, 46, 47 and 48.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting** held March 25, 2010.

5. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a three-year firm fixed price Contract No. PS 4340-2301, **Archive Data Management System**, to University of Southern California for professional services for an amount not to exceed \$1,799,210, effective May 3, 2010.

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) approving:
 - A. increase in the **Rider Relief Transportation Program's** coupon value and adjustment of the household income eligibility based on HUD's Very Low Income limits;

 - B. the auditor's recommendation to increase the administrative fees to the **Immediate Needs Transportation Program** brokers from 10% to 13% beginning FY11; and

 - C. increase of \$79,500 for **Support for Homeless Re-Entry (SHORE)** program funding, pending final approval of the token value increase for Fiscal Year 2011.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
- A. approving the status of the **City of Los Angeles Community DASH services and the cities of Glendale, Pasadena and Burbank fixed route services (to be collectively known as “Tri-Cities/LADOT”) as “Tier 2 Operators”** to receive Proposition A Growth Over Inflation funds calculated by the same methodology as in the FAP provided that such approval does not negatively impact the existing Included and Eligible Operators. The approval is further subject to the terms and conditions set forth; and
 - B. authorizing the allocation of \$6 million a year for three years beginning FY 2011 to FY 2013 to the above operators to be included and approved through the annual Transit Funds Allocations with the provision that subsequent funding be subject to re-evaluation and approval of the LACMTA Board.
13. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to purchase **All Risk Property and Boiler and Machinery insurance policies** for all property, for an amount not to exceed \$2.2 million, for the 12-month period effective May 10, 2010 through May 9, 2011.
14. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to utilize Western States Contracting Alliance Master Price Agreement to purchase **computer and network equipment, software, peripherals, and related services** under California Public Contract Code §10298, Section 4, for a five-year period for a total expenditure not to exceed \$12,500,000, subject to funding availability effective May 1, 2010.
15. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a ten-year incentive-based Contract No. PS05312530 to Anthem Blue Cross for a **workers’ compensation Preferred Provider Organization (PPO) and Medical Provider Network (MPN) services** inclusive of three, two-year options, effective July 1, 2010.

- 16. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) AS CORRECTED:
 - A. receiving and filing Attachment A in the Board report that documents the changes adopted by the Board at the March ~~25~~ 24, 2010 meeting pursuant to an urgency ~~emergency~~ finding regarding **Prop A and Prop C debt**;
 - B. approving corrections and related conforming changes to Recommendation A of Board report for Item 18 approved at the January 2010 Board meeting as noted in Attachment B of the Board report; and
 - C. approving corrections and related conforming changes to Recommendations A, B and C of Board report for Item 16 approved at the March 2010 Board meeting as noted in Attachment C of the Board report.

- 19. AD HOC CONGESTION PRICING COMMITTEE RECOMMENDED (3-0) approving the schedule of **ExpressLanes Administrative Account Fees**.

- 21. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0):
 - A. authorizing the Chief Executive Officer to:
 - 1. enter into a Partnership Agreement with **the High Desert Corridor** Joint Powers Authority (HDCJPA), the Southern California Association of Governments, the San Bernardino Associated Governments, the State of California represented by the Department of Transportation (Caltrans) Districts 7 and 8, the Town of Apple Valley, the Cities of Adelanto, Victorville, Lancaster and Palmdale, the County of Los Angeles and the County of San Bernardino represented by their respective Departments of Public Works, for the implementation of the High Desert Corridor Project, contingent upon all parties agreeing to terms and conditions and the HDCJPA adding MTA as a member;

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2. accept \$800,000 in federal earmark dollars from the HDCJPA to assist with the project's development efforts; and
 - B. approving up to \$153,600 in FY 2010, retroactive to April 1, 2010, for Caltrans to initiate the necessary Spring Surveys that are required as part of the environmental clearance.

22. MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED (3-0) amending the FY10 budget by \$2 million in Traffic Congestion Relief Program Reimbursement funds or other appropriate sources to advance the Draft Environmental Impact Statement/Report and Advanced Conceptual Engineering necessary to adopt the Locally Preferred Alternative in September 2010. This action will not increase the **Westside Subway Extension's** approved contract budget.

34. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving **upgrade of Executive Director, Countywide Planning position** from pay grade BB (\$142,641 - \$213,962) to pay grade CC (\$190,621 - \$278,793) and AUTHORIZE the CEO to negotiate a salary within the pay range.

35. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) approving the **salary for the Interim Chief Labor and Employee Relations Officer**, pay grade AA (\$134,378 - \$201,567).

41. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to increase funds for Contract No. EN075 with **ICF International for Environmental Compliance Services for all transit corridor and capital projects**, for an amount not to exceed \$4,100,000, increasing the total contract value from \$2,275,000 to \$6,300,000.

42. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to negotiate and execute Contract Modification No. 68 to Contract No. OP-02-4610-10 with Cubic Transportation Systems, Inc. to **purchase and install the Universal Fare System on the Metro Orange Line Extension** for an amount not to exceed \$3,952,540, increasing the total contract value from \$119,500,912 to \$123,453,452.

46. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award a five-year firm fixed unit rate Contract No. OP33442482 to Marina Landscape, Inc., the lowest responsive, responsible bidder, to provide **landscape and irrigation maintenance service for MTA transit facilities** for an amount not to exceed \$3,308,189, inclusive of two option periods, effective May 1, 2010.

47. OPERATIONS COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to execute Modification No. 7 to Contract No. OP31501623 with Southland Transit, Inc. to extend the period of contract performance through December 4, 2010 to **provide fixed-route contract bus services** for an additional amount not to exceed \$3,500,000 for operating and fuel costs, increasing the total contract value from \$41,424,115 to \$44,924,115.

48. OPERATIONS COMMITTEE RECOMMENDED (4-0) approving **service changes to Tier 1 bus lines** scheduled to be implemented effective June 27, 2010.

****END OF CONSENT CALENDAR****

NON-CONSENT

3. Chair's Report
4. Chief Executive Officer's Report.
 - Presentation of Resolution to Mike Cannell, outgoing General Manager, Rail Operations.
27. MEASURE R PROJECT DELIVERY COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to award:
 - A. a three-year, firm fixed price Contract No. PS434024, to The Divine Enterprise in Association with Fred MacFarlane Communications and Diversified Transportation Solutions to perform community outreach support services for the **Crenshaw/LAX Transit Corridor project for an amount not to exceed \$975,513, effective May 1, 2010;**
 - B. two one-year options to renew, subject to Board approval and identification of funding; and
 - C. contract modifications for up to \$97,550 to cover the cost of any unforeseen issues that may arise.
33. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED APPROVAL (3-0-1), MEASURE R PROJECT DELIVERY COMMITTEE RECOMMENDED APPROVAL (3-0), AND EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED APPROVAL (5-0) AS AMENDED TO COMBINE ITEM 33 AND ITEM 33.1 (DUBOIS – O'CONNOR MOTION):
 - A. adopting a **support position on the "30/10 Initiative"** subject to these policies and conditions:
 1. a specific MTA Board action is required to re-program highway capital project funding for use on transit capital projects as result of 30/10, unless such re-programming does not result in a net decrease to the highway capital project funding;

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2. Likewise, a specific MTA Board action is required to re-program transit capital project funding for use on highway capital projects as result of 30/10, unless such re-programming does not result in a net decrease to the transit capital project funding;
 3. MTA shall complete projects accelerated through 30/10 in the same sequence as the adopted 2009 Long Range Transportation Plan (LRTP);
 4. MTA shall support any new or modified federal program that provides financial assistance that would enable MTA to accelerate its Measure R/LRTP transit projects;
 5. MTA shall support any new or modified federal program that provides financial assistance that would enable MTA to accelerate its Measure R/LRTP highway projects;
 6. adoption of an MTA support position is for securing a pledge of federal financial assistance only; adoption of an accelerated project delivery schedule shall be subject to future MTA Board approval;
 7. nothing in the contemplated federal assistance would compel MTA to actually accelerate its transit construction program;
 8. MTA shall only utilize pledged federal assistance if the construction and financing costs are less than the available funds (adjusted for inflation) planned for the 12 projects in the adopted 2009 LRTP, unless those costs are being adjusted by the minimum necessary to accomplish an operable segment for the corridor; and
 9. MTA public-private partnership program and 30/10 shall be closely coordinated to maximize leverage afforded by both.
- B. adding the “30/10 Initiative” to the MTA federal legislative platform;
and

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- C. directing the CEO to develop the supporting analyses and materials related to travel demand benefits, economic benefits, operating and capital costs, schedule, federal mandates and organizational readiness necessary to secure federal assistance to finance the “30/10 Initiative”; and

 - D. approving DUBOIS – O’CONNOR MOTION that the MTA Board of Directors present a request to our Los Angeles County Congressional delegation to work with President Obama, Congress, and federal agencies to develop a financing/funding mechanism that will allow Los Angeles County to accelerate its Measure R transit and highway projects to make our region more sustainable and livable, create jobs and stimulate our economy, and pursue our mobility goals.
49. OPERATIONS COMMITTEE RECOMMENDED (4-0) approving VILLARAIGOSA – RIDLEY-THOMAS – ROBINSON – HUIZAR SUBSTITUTE MOTION that the MTA Board direct the CEO and the MTA Board Secretary to schedule a **Special MTA Board Meeting within the next 60 days to receive public comments and for MTA to update the public on the implementation of the scheduled July 1, 2010 fare increase.** Further move that the MTA CEO make a presentation at the Special Board Meeting that includes information related to fare changes, fare relief from Measure R, the new fare structure effective July 1, 2010, and outreach efforts to ensure that transit users understand the upcoming changes.
54. APPROVE MOLINA MOTION that the Metro Board direct the Chief Executive Officer to establish a policy ensuring that funds to cover **any cost overruns or judgments resulting from activities of any construction authority are allocated from sources allocated to projects located within the same sub-region.**

(CARRIED OVER FROM MARCH BOARD MEETING)

55. **APPROVE FASANA AND MOLINA MOTION:**

Matters to be considered by the Board of Directors usually are first considered in a Committee and then forwarded to the full Board of Directors for their consideration. This item, **Route 710 North Extension Project Next Steps**, was removed from the Measure R Project Delivery Committee Meeting Agenda at the discretion of the Chairperson of the Board. I am now placing this item on the agenda of the regular Board of Director's meeting for our consideration.

I therefore move that the Board of Directors approve staff's recommendations to:

- A. receive and file the Final Geotechnical Summary Report for the Route 710 Tunnel Technical Study;
- B. direct the Chief Executive Officer to utilize the Transportation Planning Bench and/or advertise and procure consultant services to prepare a robust scoping document, Alternative Analysis and the appropriate environmental documents to determine the full range of new transportation options to (1) improve mobility, safety and congestion, (2) address community concerns and (3) augment planning efforts;
- C. authorize the CEO to execute a Funding Agreement with Caltrans and others should additional funds become available; and
- D. remove from further consideration Zone 1, Zone 2, Zone 4 and Zone 5 from the five-zone study area.

56. **ADOPT the following positions on State Legislation:**

- A. **SB 1341 (Price)** – Which would authorize Metro to expand the existing Small Business Enterprise (SBE) Program to non-federally funded competitively bid contracts. **SUPPORT – SPONSOR**
- B. **AB 1224 (Eng)** – Which would revise the implementation dates for MTA's ExpressLanes project. **SUPPORT - SPONSOR**

57. APPROVE the following nominee for membership on the **San Gabriel Valley Governance Council**:

Steven Ly – Elected Official

New Appointment to fill position vacated by Kathy Salazar

Appointed by: Montebello/Monterey Park/Rosemead City Cluster

Term ending: June 30, 2012

58. **Closed Session:**

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

1. Linda Clementi v. Los Angeles County Metropolitan Transportation Authority (LACMTA)
Los Angeles County Superior Court Case No. SC 101270
2. Eiman Shekarchi v. LACMTA
Los Angeles County Superior Court Case No. BC 402199
3. Jane Serebrenikov v. LACMTA
Los Angeles County Superior Court Case No. BC 406098
4. Tutor-Saliba-Perini v. LACMTA
Los Angeles County Superior Court Case No. BC 123559
5. Gustavo Sanchez v. LACMTA, Case No. BC 381460
6. LACMTA v. Parsons-Dillingham, et al., Case No. 150298
consolidated with Case No. BC 179027

B. Conference with Legal Counsel - Anticipated Litigation - GC 54956.9(b):

Significant Exposure to Litigation (2 cases)

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C. Conference with Labor Negotiators – GC 54957.6:

1. Dana Coffey, Interim Deputy Executive Officer, Labor Relations
Employee Organizations – ATU, UTU.
2. James Falicki, Deputy Executive Officer, Labor Relations
Employee Organizations – TCU, Teamsters

D. Personnel Matters – G.C. 54957

Public Employee Appointment

- Consider appointment of Inspector General

E. Conference regarding Potential Threats to Public Services and Facilities – G.C. 54957:

While there may be no immediate threat, this is to provide the Board with a confidential update by Ruthe Holden, Chief Auditor, and Paul Taylor, Deputy Chief Executive Officer, on security related matters.

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