

Agenda

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Pam O'Connor, Chair
Antonio Villaraigosa, 1st Vice Chair
Don Knabe, 2nd Vice Chair
Michael Antonovich
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
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:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. 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

1. APPROVE **Consent Calendar** Items: 2, 6, 7, 8, 9, 14, 15, 16, 24, 31** and 45.

**REQUIRES 2/3 VOTE OF THE BOARD

CONSENT CALENDAR:

2. APPROVE **Minutes of Regular Board Meeting held February 28, 2008.**

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. approving **revised fiscal year 2008 State Transit Assistance (STA) and Proposition A Growth Over Inflation/Proposition C 40% Discretionary formula equivalent fund allocations** so that they may be disbursed to Los Angeles County transit operators;
 - B. amending the FY08 budget to add in \$5,384,720 in STA funds and \$1,209,225 Prop A 40% Discretionary funds;
 - C. adopting a revised Transportation Development Act/STA Resolution designating STA fund allocation compliance to the terms and conditions of the allocation; and
 - D. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements for funding approved.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED(4-0)
AS CORRECTED:
 - A. approving programming of \$54.4 million in **Los Angeles County Metropolitan Transportation Authority ~~state Regional Improvement Program funds~~** to help Caltrans meet a \$153.1 million support costs shortfall for highway construction projects, contingent on Caltrans securing programming from the California Transportation Commission for the remaining \$98.7 million from off-the-top grandfathered funds and Interregional Improvement Program funds; and
 - B. authorizing the Chief Executive Officer to negotiate and execute agreements and/or amendments with Caltrans as needed to address approved programming.

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. approving the implementation of a **new Annual EZ transit pass for distribution through employers**;
 - B. approving the inclusion of the Los Angeles International Airport (LAX) FlyAway bus service into the EZ transit pass program, with a special discount arrangement for LAX employees; and
 - C. authorizing the Chief Executive Officer to amend the agreements between the Los Angeles County Metropolitan Transportation Authority and the participating EZ transit pass operators to implement these program changes.

9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) adopting the **Southern California Consensus Trade Corridor Improvement Fund Working Group Project List**.

14. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
 - A. finding that it is in our best interest to proceed with development of an approximately 20.2-acre portion of **Taylor Yard Parcel C** for residential and retail purposes in substantial accordance with key terms and conditions set forth; and
 - B. authorizing the Chief Executive Officer to: a) enter into a Joint Development Agreement (JDA) with McCormack Baron Salazar, Inc., or one or more development entities controlled and managed by McCormack Baron Salazar, Inc. and reasonably approved by us (individually and collectively, MBS), covering the Development; b) extend the term of the JDA in accordance with the terms set forth; c) enter into and execute ground leases and other related documents and agreements with MBS relating to the Development and the Development Site, d) execute dedications and other grants of real property rights of portions of the Development Site for public utility and street purposes related to the Development, and e) credit up to \$800,000 in rent payments or other amounts due from MBS to offset costs incurred by MBS to clean-up and remediate hazardous materials from the Development Site, all in substantial accordance with the key terms and conditions set forth and the terms and conditions of the JDA.

DIRECTED staff to assure that the contract includes LEED silver certification.

15. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0) authorizing the execution of a **lease amendment with Camille's Inc.**, dba Denny's Restaurant, to extend the term of the lease for five years, with an option for an additional five years, commencing February 1, 2009, and to increase the monthly rental amount to \$18,000 per month effective February 1, 2009.

16. FINANCE AND BUDGET COMMITTEE RECOMMENDED (5-0) awarding a three-year contract to:
 - A. Bank of America N.A. to provide a **\$150 million line of credit** for an amount not to exceed \$1,700,000, including legal fees and other related expenses; and
 - B. Dexia Credit Local to provide a \$150 million line of credit for an amount not to exceed \$1,600,000, including legal fees and other related expenses.

24. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
 - A. exercise a negotiated six month extension to Memorandum of Understanding No. TCP2610LASD with the Los Angeles Sheriff's Department for **transit community policing services**; and
 - B. execute Modification No. 12 MOU TCP2610LASD to provide funding for FY09 transit community policing services for an amount not to exceed \$31,860,969 for the period July 1, 2008 through December 31, 2008, revising the total contract value from \$286,416,950 to \$318,277,919.

31. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) approving:
 - A. the real estate purchase agreement with Evergreen Memorial, Inc. in the amount of \$461,996 for the **purchase of a re-interment site** at Evergreen Cemetery; and
 - B. a sole-source contract with Felipe Bagues Mortuary, Inc. for re-interment services in the amount of \$178,000.

(REQUIRES 2/3 VOTE OF THE BOARD)

45. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the **following positions on State Legislation:**
- A. **SB 344 (Machado)** – Would provide State and local entities with the ability to repurchase some or all of their outstanding bonds without extinguishing their debt. **SUPPORT**
 - B. **AB 2009 (Hernandez and Huff)** – Would create an exemption from the imposition of utility user tax for compressed natural gas used to fuel public transit vehicles. **SUPPORT**
 - C. **AB 2195 (Brownley)** – Would transfer the regulation of public transit guidelines grade crossing approval process from the Public Utilities Commission (PUC) to the Department of Transportation (Caltrans). **SUPPORT - WORK WITH AUTHOR**

NON-CONSENT:

- 3. Chair's Report.
- 4. Chief Executive Officer's Report.
- 34. AUTHORIZE the Chief Executive Officer to award a 24-month firm fixed price contract under Bid Number 08-0005 with Siemens Transportation Systems, Inc., the lowest responsive, responsible bidder for 320 **steel tires** for an amount not to exceed \$459,200.
- 36. AUTHORIZE the Chief Executive Officer to:
 - A. award five-year **Bench Contracts**, Contract No. OP39602112 to Booz Allen Hamilton, Inc., LTK Engineering Services and PB Americas, Inc. for non-architectural and engineering services for an amount not to exceed a cumulative value of \$10,000,000, inclusive of two one-year options, effective April 1, 2008;

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- B. award five-year Bench Contracts, Contract No. OP39602112 to DMJM Harris, Inc., PB Americas, Inc., and SYSTRA Consulting Inc., for architectural and engineering services for an amount not to exceed a cumulative value of \$10,000,000 , inclusive of two one-year options, effective April 1, 2008; and
 - C. execute Task Work Orders under the individual Bench Contracts for up to \$1,000,000 per Task Order.
37. ADOPT and AUTHORIZE implementation of a plan to commemorate “**Rosa Parks Human Rights Day**” on an annual basis.
(HANDOUT)
38. RECEIVE AND FILE a report from staff identifying the **extent of service changes** completed during 2007 and planned for 2008 and 2009.
(HANDOUT 1) (HANDOUT 2)
46. ADOPT the following **positions on State Legislation**:
- A. **AB 1815 (Feuer)** – Would create the California Transportation Infrastructure Funding Task Force. **SUPPORT**
 - B. **AB 1836 (Feuer)** – Would eliminate the voter approval requirement for establishing Infrastructure Financing Districts. **SUPPORT**
 - C. **AB 2558 (Feuer)** – Would authorize Metro to implement a greenhouse gas mitigation fee and would require that the revenue be used for public transit and congestion management projects and programs. **SUPPORT**

47. CLOSED SESSION:

A. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b):

Significant exposure to litigation (5 cases)

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

➤ Acting Inspector General

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