

# RECAP/DRAFT MINUTES

Regular Board Meeting  
Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

Called to Order at 9:40 a.m.

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## Directors Present:

Antonio Villaraigosa, Chair  
Michael Antonovich, 1<sup>st</sup> Vice Chair  
Diane DuBois, 2<sup>nd</sup> Vice Chair  
John Fasana  
José Huizar  
Richard Katz  
Don Knabe  
Gloria Molina  
Ara J. Najarian  
Pam O'Connor via telephone\*  
Mark Ridley-Thomas  
Mel Wilson  
Zev Yaroslavsky  
Michael Miles, non-voting member

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## Officers

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

\*Hyatt Regency Jacksonville  
225 East Coastline Drive  
Jacksonville, FL



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

1. APPROVED **Consent Calendar** Items: 10, 11, 13, 21, 22, 30, 37, 38, 39, 40, 46, 47\*\*, 48\*\*, 50, 51, 52, and 66.

\*\*REQUIRES 2/3 VOTE

*Consent Calendar Items were approved by one motion except Items 14 and 32 which were held by a Director for discussion.*

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2. APPROVED ON CONSENT CALENDAR **Minutes of Regular Board Meeting held August 4, 2011.**

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3. Chair's Report – NONE

4. RECEIVED Chief Executive Officer's Report.

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|                  |                      |                        |                |
|------------------|----------------------|------------------------|----------------|
| AN = A. Najarian | ZY = Z. Yaroslavsky  | RK = R. Katz           | GM = G. Molina |
| JF = J. Fasana   | DD = D. DuBois       | MRT = M. Ridley-Thomas |                |
| JH = J. Huizar   | AV = A. Villaraigosa | DK = D. Knabe          |                |
| PO = P. O'Connor | MA = M. Antonovich   | MW = M. Wilson         |                |

LEGEND: Y = YES , N = NO, C = CONFLICT, ABS = ABSTAIN, A = ABSENT, P = PRESENT

6. APPROVED AS AMENDED adopting the Los Angeles County Metropolitan Transportation Authority (LACMTA) **Renewable Energy Policy** to develop and implement renewable energy technology applications, where feasible and practicable, to minimize non-renewable energy use in all of LACMTA capital assets or projects.

**AMENDMENT:** Request staff to report back in 18 months on the feasibility of reaching the 33% goal and include private sector uses.

**AMENDING MOTION BY RIDLEY-THOMAS, O’CONNOR, AND DUBOIS:**

*On page 2:*

- Opportunities to partner and pursue joint development opportunities with local power utilities and private entities.

*On page 8 (first page of Attachment A):*

**PURPOSE**

This policy provides guidance in 1) identifying criteria that can be applied to the feasibility, selection and application of a renewable energy technologies; 2) applicability of the Renewable Energy Policy; and 3) collaborative opportunities for funding the implementation of feasible and practicable renewable energy-related projects with public and private entities on any LACMTA capital asset or project.

*On page 10 (last page of Attachment A):*

**QUANTIFICATION AND REPORTING OF RENEWABLE ENERGY USAGE AND BENEFITS**

No later than 18 months after policy adoption and annually thereafter, LACMTA shall incorporate in the annual Sustainability Report the information generated from the implementation and operation of this Renewable Energy Policy including:

- 1) A description of the renewable energy projects planned or deployed;
- 2) Quantification of the resulting greenhouse gas emissions, cost savings, and revenue (if any) resulting from the use of renewable energy technologies and energy retrofits (in the case of existing buildings, facilities and equipment);
- 3) A description of other appropriate measures of progress;
- 4) A description of implementation challenges; and

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(ITEM 6 – CONTINUED FROM PREVIOUS PAGE)

5) Recommendations for any policy changes, including a feasible and practical goal for generation of renewable energy on Metro capital assets and projects by 2020.

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9. CARRIED OVER TO OCTOBER authorizing the Chief Executive Officer to award and execute:

A. a cost plus fixed fee, Contract No. PS 4710-2755, to CH2M Hill Inc. in the amount of \$37,300,000 for a professional services contract to prepare an EIR/EIS that includes alternatives analyses, technical assessments, conceptual and preliminary engineering, and a project report, for the **State Route 710 Gap Project from Interstate 10 to State Route 134/Interstate 210;**

B. contract modification authority for up to 15% of the contract value to cover the cost of any potentially unforeseen issues that may arise during the environmental, engineering and community participation phase.

10. APPROVED ON CONSENT CALENDAR considering the following actions for the **2011 Countywide Call for Projects:**

A. approving the recommendations responding to the Technical Advisory Committee motions regarding the 2011 Call for Projects and additional funding recommendations;

B. programming \$123,516 million in eight modal categories as shown in Attachment B of the Board report. This amount also programs the 2011 Deobligations and the Long Range Transportation Plan Call for Projects reserve;

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(ITEM 10 – CONTINUED FROM PREVIOUS PAGE)

- C. approving all projects in for potential nomination to the California Transportation Commission for 2012 State Transportation Improvement funds, as necessary;
  - D. amending the recommended 2011 Call for Projects Program of Projects into the FY2011-2012 Los Angeles County Regional Transportation Improvement Program (Regional TIP);
  - E. administering the 2011 Call for Projects as a project-specific grant program with the requirement that project sponsors bear all cost increases;
  - F. authorizing the Chief Executive Officer to administratively provide project sponsors with funding in earlier years than shown, if the project sponsor can demonstrate project readiness to proceed, has sufficient local match and such funds are available; and
  - G. adopting the resolution as required by the Southern California Association of Governments which certifies that Los Angeles County has the resources to fund the projects in the FY 2011-2012 Regional TIP and affirms its commitment to implement all of the projects in the program.
11. **APPROVED ON CONSENT CALENDAR** the proposed reallocation of previously approved **Measure R highway operational improvement project funding for the Arroyo Verdugo Subregion.**
12. **APPROVED AS AMENDED** considering the **transfer of up to 41 Caltrans park and ride facilities to MTA.** Transfer activities to include:
- A. authorizing staff to initiate work on amending the Interstate 105 Amended Final Consent Decree, Civil No. 72-355-HP, to enable transfer of selected park and ride facilities located along Interstate 105 and Interstate 110;

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(ITEM 12 – CONTINUED FROM PREVIOUS PAGE)

- B. authorizing staff to work with Caltrans to determine additional transferable park and ride facilities located along or adjacent to freeways and state highways located within Los Angeles County;
- C. authorizing the Chief Executive Officer to enter into an agreement to accept title and all Caltrans rights and interest in the above mentioned park-and-ride facilities; and
- D. assuming all maintenance and operations of the transferred park and ride facilities and, as indicated, returning them to a “state of good repair.”

**AMENDMENT: O’CONNOR, RIDLEY-THOMAS AND KNABE MOTION**  
 that the Board approve the Recommendation with the following provisions:

- A. Staff shall immediately focus on the transfer of the Artesia Transit Center (ATC/HGTC) as the first priority with the goal of completing the transfer by the end of 2011;
- B. Staff shall return to the Board in October with the follow-up monthly reports:
  - 1. detailing the progress of the ATC/HGTC transfer negotiations with a Timeline for the completion of the transfer;
  - 2. a list prioritizing the 41 properties as reflected in the body of the Motion; and
  - 3. a timeline for the transfer of those properties.

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13. APPROVED ON CONSENT CALENDAR:

- A. approving the Project Definition, which is based on the Locally Preferred Alternative (LPA) of an 8.5 mile **Light Rail project from Crenshaw/Exposition to Metro Green Line** Aviation station with 6 stations that was previously approved by the Board in December 2009 and incorporate several changes including:
  - 1. La Brea Avenue Grade Separation;
  - 2. Below-grade segment from Exposition Boulevard to 39<sup>th</sup> Street;
  - 3. Partially Covered Trench Adjacent to LAX as an interim condition;
  - 4. Maintenance Facility near LAX (Arbor Vitae/Bellanca);
- B. certifying the Crenshaw/LAX Transit Corridor Final Environmental Impact Statement/Final Environmental Impact Report. This action is contingent upon the Federal Transit Administration approving the document for public availability to satisfy requirements of both the National Environmental Policy Act and California Environmental Quality Act;
- C. authorizing the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and State of California Clearinghouse; and
- D. adopting the:
  - 1. Finding of Fact and Statement of Overriding Considerations in accordance with the California Environmental Quality Act and
  - 2. Mitigation Monitoring & Reporting Plan.

14. APPROVED UNDER RECONSIDERATION AS AMENDED considering the following actions regarding the **Antelope Valley Line Infrastructure Improvement Strategic Plan** (AVL Study):

- A. amending the FY 2011-12 budget by \$500,000 to hire a consultant to complete the AVL Study;

- B. amending the FY 2011-12 budget by \$500,000 to retain the services of SCRRA for modeling efforts in support of the AVL Study;
- ~~C. amending the FY 2011-12 budget by \$2,000,000 to hire consultants and retain the services of SCRRA for the next two corridor studies;~~
- D. receiving and filing the AVL Study update for September 2011; and
- E. extending the date to March 2012 for reporting final results to the MTA Board.

AMENDMENT: Removal of Item C until it can be determined if the other counties are participating.

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- 21. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to **renew group insurance policies** covering Non-Contract, AFSCME, and Expo employees for the one-year period beginning January 1, 2012.

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- 22. 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.

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23. APPROVED UNDER RECONSIDERATION:

- A. adopting a resolution authorizing the issuance of bonds (the “Refunding Bonds”) to refund the **Prop A Series 2001-A and 2001-B bonds and Prop A commercial paper** and approving related documents on file with the Board Secretary; and
- B. appointing Stone & Youngberg as book-running senior manager, De La Rosa & Co. and Siebert Brandford Shank & Co., LLC as co-senior managers, with the firms Backstrom McCarley Berry & Co., LLC, Greencoast Capital Partners, and Prager, Sealy & Co., LLC as co-managers for the negotiated sale of the Prop A Refunding Bonds.

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30. APPROVED ON CONSENT CALENDAR as an additional component to our **America Fast Forward** initiative, a change in Federal law or regulation to permit transportation agencies that commit to paying over half of a given project budget with local funds to require contractors to establish local hiring programs and purchase local goods in proportion to the local share of the project total cost.

31. APPROVED AS AMENDED:

- A. the attached principles for inclusion in a Construction Careers Policy/Project Labor Agreement (PLA), **AS AMENDED**.
- B. authorizing staff to negotiate a master PLA with the Los Angeles/Orange County Building Trade Councils.
- C. amending the FY12 budget to add 3 FTE’s to cost center 2130 to perform CCP/PLA implementation, monitoring, and reporting for the Crenshaw Light Rail Project.

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**AMENDMENT:**

- **Will apply to Life of Project budgets between \$2.5-\$5 million, subject to negotiation.**
- **Set a range of 5-10 core workers, subject to negotiation.**
- **Review use of high unemployment zip code map.**

**VILLARAIGOSA, RIDLEY-THOMAS, AND KATZ MOTION:**

- A. The purposes of the Construction Careers Policy and Project Labor Agreement (CCP/PLA) are the following:
  1. The reduction of poverty and unemployment through targeted hiring strategies focused on areas of high unemployment and individuals with barriers to employment, including, where permissible, areas within MTA's jurisdiction.
  2. Ensure avoidance of work stoppages due to labor disputes.
- B. The CCP/PLA will apply to MTA Construction Projects included in the Long Range Transportation Plan, subject to negotiations with the Los Angeles and Orange Counties Building and Construction Trades Council (the "Council").
- C. MTA will work with U.S. Department of Transportation to develop appropriate targeted hiring measure for federally-funded projects.
- D. MTA will negotiate a master CCP/PLA with the Council. Each contractor engaged in MTA construction projects will be subject to the terms and conditions of the CCP/PLA for the duration of the project to which it applies.
- E. The CCP/PLA will include targeted hiring requirements of not less than 30% targeted zip codes with 10% disadvantaged workers. On federally-funded projects, the contractors will meet the requirements through a tiered approach as follows:

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1. First, residents of Extremely High Unemployment Zip Codes;
2. Second, residents of High Unemployment Zip Codes;
3. Simultaneously, Disadvantaged Workers.

On non-federally funded projects, the first tier shall be high unemployment zip codes within 5 miles of the construction site.

- F. Adopt California law as it relates to the employment of apprentices.
- G. Under the Project Labor Agreement, the unions will be the primary source of all construction labor.
- H. The parties to the PLA will negotiate over, and the Construction Careers Policy will address, the procedures to facilitate hiring of targeted workers, including working with the contractor's jobs coordinator, referral of targeted workers regardless of their places in the hiring hall list, encouragement of entry by targeted workers into union apprenticeship programs and the number of core workers to be employed on the project.
- I. If and when any contractor does not comply with the terms of the CCP/PLA, liquidated damages will be assessed until violations have been cured or retention payments will be withheld.

Definitions:

- "Extremely High Unemployment Zip Code" means a zip code containing all or part of a census tract in which the rate of unemployment is at least 200% of the County average rate of unemployment.

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- “High Unemployment Zip Code” means a zip code in respective Counties containing all or part of a census tract in which the rate of unemployment is at least 150% of the Los Angeles County average rate of unemployment or located in a Bank Enterprise Area as designated by the Community Development Financial Institutions Funds.
  - Note: For non-federally funded projects, “High Unemployment” targeted zip codes shall be limited to Los Angeles County.
- “Disadvantaged Worker” means a worker who, prior to commencing work on a project, meets one or more of the following criteria: (a) has a household income of less than 50% of the Area Median Income, or (b) faces at least one of the following barriers to employment: is homeless; is a custodial single parent; receives public assistance; lacks a GED or high school diploma; have a history of involvement with the justice department; or, suffers from chronic unemployment. These factors shall be subject to negotiations.

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32. CARRIED OVER TO OCTOBER considering **name changes for the following rail stations and facilities:**
- A. “Imperial/Wilmington/Rosa Parks” to “Willowbrook/Rosa Parks;”
  - B. “103<sup>rd</sup> Street/Kenneth Hahn” to “103<sup>rd</sup> St/Watts Towers/Kenneth Hahn;”
  - C. “Vermont Av/I-105” to “Vermont Av/Athens;”
  - D. “Hawthorne Bl/I-105” to “Hawthorne Bl/Lennox;”
  - E. “Venice/Robertson” to “Culver City;”
  - F. “Artesia Transit Center” to “Harbor/Gateway Transit Center;”
  - G. “Transit Mall” to “Long Beach Civic Center.”

33. APPROVED authorizing the Chief Executive Officer to amend the FY12 budget to:
- A. amend the FY12 budget to add \$107,000 of expenses to Regional Communications Cost Center 7160 for the purpose of coordination of the **countywide student field trip program** and
  - B. amend the FY12 budget to convert one (1) As-Needed employee to one (1) FTE to coordinate the student field trip program.

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37. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate and execute Contract Modification No. 17 to Contract No. C0882, with Kiewit Infrastructure West Company, for added **Storm Water Pollution Prevention Plan** measures, in the not-to-exceed amount of \$7,000,000, increasing the Total Contract Value from \$729,356,248 to \$736,356,248.

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38. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute **a lease amendment** to extend the term of the existing sublease with Marsh USA, Inc. from a year to year term to a fixed term (Term) which will expire April 30, 2018 for the rental of approximately 41,628 square feet of office space in an office building located at **777 Figueroa Street**, Los Angeles at an estimated rental cost of \$6,288,384 over the term of the lease.

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39. APPROVED ON CONSENT CALENDAR:

A. adopting the recommendations to pursue additional **grade-crossing improvements along the Metro Gold Line Eastside Extension (MGLEE)** including:

- Trial demonstrations of In-Roadway Warning Lights at up to 10 intersections;
- Traffic signal timing refinements at selected intersections to further discourage illegal left turns or to separate pedestrian signal phases from vehicle turn signal phases at selected locations to eliminate pedestrian uncertainty;
- Enhanced signage at strategic locations to further discourage illegal left turns; and

B. receiving and filing the traffic impact findings from installing quadrant gates at intersections along the MGLEE.

40. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a fixed unit rate bench contract, PS116510023, to California Property Specialist, Inc., Del Richardson & Associates, Inc., Epic Land Solutions, Inc., Overland Pacific & Cutler, Inc.; Paragon Partners, Ltd. **for acquisition and relocation services** in an amount not to exceed a cumulative total of \$1,000,000 effective October 1, 2011, subject to the resolution of protests, if any. This is a ten-year contract with a five-year base and five, one-year options.

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41. APPROVED authorizing the Chief Executive Officer to approve the **FY12 Annual Work Plan for City of Los Angeles.**

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46. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute modification No.2 to Contract No. PS07643022 with **Control Technologies to provide Gateway Building Management System upgrades** for the firm fixed price of \$1,153,845 increasing the total contract value from \$646,000 to \$1,799,845.
47. APPROVED ON CONSENT CALENDAR BY 2/3 VOTE:
- A. finding that use of a design-build process pursuant to Public Utilities Code Section 130242(a) will achieve 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 MTA rail facilities, pursuant to Public Utilities Code Section 130242.
48. APPROVED ON CONSENT CALENDAR BY 2/3 VOTE:
- A. finding that use of a design-build process pursuant to Public Utilities Code Section 130242(a) will achieve certain private sector efficiencies in the **integration of the design, project work and installation of the high rise building cooling towers** and
  - B. further finding that the use of the design-build process pursuant to Public Contract Code 20209.5 et seq. will accomplish a reduction in project costs and expedite project completion.

50. APPROVED ON CONSENT CALENDAR:
- A. finding that there is only a single source of procurement for **Automated License Plate Recognition Network** and purchase is for the sole purpose of duplicating the cameras, network and software already in use. The Board hereby authorizes purchase of the cameras, network equipment, hardware and software pursuant to Public Utilities Code section 130237; and
  - B. authorizing the Chief Executive Officer to award a firm fixed price contract under IFB No. OP26102781 with PIPS Technology, to provide an Automated License Plate Recognition Network in an amount not to exceed \$2,990,768.21 inclusive of sales tax and freight; and
  - C. amending the FY12 System Security and Law Enforcement, Cost Center 2610, budget in the amount of \$2,324,538 in expenditures.
51. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute modification No. 10 to Contract No. OP33900638 with **Clean Energy Fuels Corporation to provide natural gas compression operation and maintenance services** at Divisions 2, 9, and 15 for an additional 17 months in an amount not to exceed \$1,900,000, increasing the Total Contract Value from \$27,675,084 to \$29,575,084.

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52. APPROVED ON CONSENT CALENDAR authorizing **free fares for all Girl Scouts in uniform on October 29, 2011** in celebration of their 100<sup>th</sup> anniversary at an estimated cost of \$10,000.



54. APPROVED AS AMENDED the **RIDLEY-THOMAS AND KNABE MOTION** that the Metro Board instructs the Chief Executive Officer to:

A. suspend the cancellation of line 442 and study this line along with five ~~six~~ of the lowest performing lines in the Metro system (Lines 126, 177, 202, 442, 607 and 620) ~~and study the lines as case studies for performance in meeting the needs of the rider.~~

B. The study should examine subjects including, but not limited to:

1. Cleanliness, safety, lighting and other environmental factors in the buses and at stations
2. Effectiveness of routing and service integration with other bus lines, rail lines and other transportation modes
3. The potential for increasing ridership through effective marketing, and
4. On-time performance and reliability of service.

C. With regards to Line 442, consider methods for increasing the operating load factor on buses by reducing the number of daily service runs, modifying schedules and other adjustments.

D. Assemble a working group of community stakeholders that are impacted by the lines to solicit recommendations for service improvements.

E. Report back to the Board in 90 days on the implementation plan for the case studies with a follow up report to the Board one year after recommendations from the working group and Metro staff have been implemented.

**AMENDMENT:** To also study the extension of Line 201 onto Glen Oaks Canyon in Glendale. The extension would be cost neutral.

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| Y  | N  | Y  | N  | Y  | Y  | Y  | Y  | N  | Y   | Y  | Y  | A  |  |

64. APPROVED conceptually the development of a “local control” approach to Amtrak services on the “**LOSSAN**” Corridor between **Los Angeles – San Diego – San Luis Obispo**, and also direct staff to work with the **Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency**, and its member agencies, to develop a framework, including the introduction of the necessary legislation, for establishing a new joint powers authority that will assume administrative responsibility for state-supported intercity rail service between San Diego, Los Angeles, and San Luis Obispo.

|    |    |    |    |    |    |    |    |    |     |    |    |    |  |
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| AN | JF | JH | PO | ZY | DD | AV | MA | RK | MRT | DK | MW | GM |  |
| Y  | Y  | Y  | A  | Y  | Y  | Y  | Y  | Y  | A   | Y  | Y  | A  |  |

66. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to:
- A. exercise a negotiated one-month extension to Memorandum of Understanding (MOU) No. PS2610LASD with the **Los Angeles Sheriff’s Department for transit community policing services** and;
  - B. execute Modification No. 5 MOU PS2610LASD to provide funding for FY12 transit community policing services in the amount not-to-exceed \$5,470,211 for the period October 1, 2011 through October 31, 2011. This will revise the Total Contract Value from \$149,335,711 to \$154,805,922.

65. CLOSED SESSION:

- A. Conference with Labor Negotiator - G.C. 54957.6  
 Agency Representative: Richard Hunt and designated staff  
 Employee Organizations: ATU, UTU, TCU, Teamsters

NO REPORT.

(CONTINUED ON NEXT PAGE)

(ITEM 65 – CONTINUED FROM PREVIOUS PAGE)

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

1. Yuen Wa Chui v. LACMTA, Case No. BC427911

APPROVED settlement of \$245,000.

|    |    |    |    |    |    |    |    |    |     |    |    |    |  |
|----|----|----|----|----|----|----|----|----|-----|----|----|----|--|
| AN | JF | JH | PO | ZY | DD | AV | MA | RK | MRT | DK | MW | GM |  |
| Y  | Y  | Y  | A  | A  | Y  | A  | Y  | Y  | A   | A  | Y  | A  |  |

2. Estate of Charlene Tran Hua, et al. v. LACMTA, Case No. BC 427490

NO REPORT.

3. Rudolphus LeFlore v. LACMTA, et al, Case Nos. BC299472, BC309252; MTA v. LeFlore, et al, Case No. BC440333

APPROVED settlement, the terms of which will be made available after signing of settlement agreement.

|    |    |    |    |    |    |    |    |    |     |    |    |    |  |
|----|----|----|----|----|----|----|----|----|-----|----|----|----|--|
| AN | JF | JH | PO | ZY | DD | AV | MA | RK | MRT | DK | MW | GM |  |
| Y  | Y  | Y  | A  | A  | Y  | A  | N  | Y  | Y   | A  | Y  | A  |  |

4. Richard Nesbitt v. LACMTA, Case No. BC403503

AUTHORIZED settlement, terms of which will be made available after execution of the agreement.

|    |    |    |    |    |    |    |    |    |     |    |    |    |  |
|----|----|----|----|----|----|----|----|----|-----|----|----|----|--|
| AN | JF | JH | PO | ZY | DD | AV | MA | RK | MRT | DK | MW | GM |  |
| Y  | Y  | Y  | A  | A  | Y  | A  | N  | Y  | Y   | A  | Y  | A  |  |

ADJOURNED at 2:35 p.m.

Prepared by: Collette Langston  
Board Specialist

Michele Jackson  
Board Secretary

DRAFT