

MINUTES

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Called to Order at 9:50am

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, *via telephone
from Vancouver International
Airport, adjacent to the Business
Class Lounge, 3211 Grant
McConachie Way, Richmond, British
Columbia, Canada*
Gloria Molina
Ara J. Najarian, *via telephone from
Marriott Hotel, Mezzanine Level
Lobby, 350 Calle Principal, Monterey,
CA*
Zev Yaroslavsky

Officers

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



1. APPROVED **Consent Calendar** Items: 2, 6, 7, 8, 10, 11, 12, 18, 19, 20, 21, 22, 35, 36, 37, 38, 39, 40, 41, and 44.

Items 13 and 34 were removed from the Consent Calendar.

2. APPROVED ON CONSENT CALENDAR Minutes of Regular Board Meeting held June 28, 2007.

3. Chair's Report.

- Chair O'Connor said she looked forward to working with the Metro Board in her new role.
- Attended the July California Transportation Commission meeting in Glendale where member agencies discussed revisions to the Regional Transportation Plan Guidelines and how to incorporate greenhouse gas emission reduction strategies.
- Announced that she would convene a Metro Climate Change Sustainability Task Force, establish a Metro Sustainable Climate Action Plan, and find ways to continue existing efforts and identify new recommendations that will further advance Metro's environmental initiatives.
- Announced appointment of Director Fasana to lead a task force on congestion pricing options.
- Carolyn Cavecche, Orange County Transportation Authority Chair, gave a presentation on proposed changes to high occupancy vehicle lanes in Orange County that would allow continuous access to the lanes at all hours and allow single occupancy vehicles during off-peak hours (midday, evenings, nights and weekends).

4. Chief Executive Officer's Report.

- The California Transportation Commission has postponed decisions regarding funding of several Metro projects, including a \$314 million allocation for phase one of the Expo Line until the September meeting.
- The State Legislature has not approved a state budget as of July 26. The budget stalemate will affect a number of Metro partners that receive state funding. Mr. Snoble added that the state has diverted funds from transportation to other state needs in recent years and said that projections lead experts to believe that this year will not be as difficult as coming years.

6. APPROVED ON CONSENT CALENDAR amending Metro's FY 2008 budget to include \$477,877 from **three Caltrans transportation planning grants**. Caltrans will reimburse for the following projects:
 - A. "Making The Connection: A Pedestrian And Bicycle Linkages Plan For two Low-Income Latino And Asian Communities Adjacent To Gold Line Stations" in the amount of \$200,000
 - B. "Non-Motorized Access Plans at six Transit Hubs in Metropolitan Los Angeles" in the amount of \$87,877; and
 - C. "From Risk to Opportunity: Using the Los Angeles Land Opportunity Tracking System (LA LOTS) Information Platform to Support Planning Efforts in four Under-Served Communities" in the amount of \$190,000.

7. APPROVED ON CONSENT CALENDAR amending the FY 2008 Budget in the amount of \$1,350,000 to continue work on **Metro's Regional Intelligent Transportation Systems (ITS) Program**, which supports the maintenance, development and improvement of the Regional Integration of ITS Network.

8. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to award a contract to Vazquez & Company LLP to perform the Fiscal Year 2006-2007 **financial and compliance audits of programs, jurisdictions and agencies** in an amount not to exceed \$460,059 with an option to renew for up to two additional years.

9. APPROVED:
 - A. methodologies and assumptions, including all changes and adjustments, used for the Fiscal Year (FY) 2008 Transit Fund Allocations, as determined by staff in accordance with federal, state and local requirements, as well as Metro policies and guidelines and prior Board actions;
 - B. \$1.26 billion in **FY 2008 Transit Fund Allocations** for Los Angeles County jurisdictions, transit operators, and Metro Operations. These allocations include the following:

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1. \$607.7 million in Transportation Development Act (TDA) Article 4, TDA interest, State Transportation Assistance (STA), STA Interest and Proposition A 40% Discretionary fund allocations, which also includes \$2.2 million in funding to six operators in accordance with the two-year lag policy adopted by the Board of Directors;
 2. \$32.1 million in Proposition C 40% Discretionary fund allocations for the Bus Service Improvement Program, the Transit Service Expansion Program, the Base Service Restructuring Program and the Foothill Transit Mitigation Program;
 3. \$17.9 million in Proposition C 40% Discretionary fund allocations for the Municipal Operator Service Improvement Program;
 4. \$33 million in Proposition C 5% Security fund allocations;
 5. \$14.1 million in Proposition A Incentive Program fund allocations;
 6. \$20.4 million in TDA Article 8 fund allocations;
 7. \$309 million in Proposition A and Proposition C Local Return and TDA Article 3 fund allocations; and
 8. \$224.5 million in Federal Transit Act Section 5307 Urban Formula capital fund allocations, including an exchange of Santa Monica's allocation of \$8,120,918 of Section 5307 funds with an equal amount of Proposition C 40% Discretionary funds.
- C. adopting a resolution designating TDA and STA fund allocation compliance to the terms and conditions of the allocation;
- D. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements for funding approved; and
- E. amending the FY 2008 budget in the amount of \$110,000 and adding 1.0 FTE for the Countywide Planning and Development department to provide additional support for management, administration and oversight of funding furnished by the FY 2008 Transit Fund Allocations and for other Board-approved, local programming activities.

10. ADOPTED:

A. findings and recommendations for using fiscal year (FY) 2007-08 **Transportation Development Act (TDA) Article 8 fund estimates** totaling \$20,364,746 as follows:

1. In the City of Avalon there are unmet transit needs that are reasonable to meet. In the Los Angeles County unincorporated areas adjacent to the City of Avalon, existing transit needs can be met through other funding sources, however the City of Avalon chooses to use their Article 8 funds for their transit services. Therefore, TDA Article 8 funds will be used to meet their unmet transit needs. The allocation is \$126,039 for Avalon.
2. In the Antelope Valley, which includes the Cities of Lancaster and Palmdale, and in the Los Angeles County unincorporated areas of the Antelope Valley, transit needs are met using other funding sources, such as Proposition A and Proposition C Local Return. Therefore, there are no unmet transit needs that are reasonable to meet, because other funding sources will be used to address these needs. Thus, TDA Article 8 funds may be used for street and road purposes. The allocations for the Antelope Valley are \$5,000,795 and \$5,095,469 (Lancaster and Palmdale, respectively). The allocation for Los Angeles County unincorporated is \$4,093,011.
3. In the Santa Clarita Valley, which includes the City of Santa Clarita and the Los Angeles County unincorporated areas of the Santa Clarita Valley, transit needs are met with TDA Article 8 funds; however, other funding sources, such as Proposition A and Proposition C local Return, may be used to address their needs. Therefore, there are no unmet transit needs that are reasonable to meet. TDA Article 8 funds may be used for transit and/or street and road purposes as long as their transit needs continue to be met. The allocation for Santa Clarita is \$6,049,433.

B. a resolution making a determination of unmet public transportation needs in the areas of Los Angeles County outside the Los Angeles County Metropolitan Transportation Authority (Metro) service area.

11. APPROVED ON CONSENT CALENDAR:

- A. recertifying \$524.84 million in existing Fiscal Year (FY) 2007-08 commitments from previous **Countywide Calls for Projects** and authorizing the expenditure of funds to meet these commitments;
- B. deobligating \$4.58 million of previously approved Countywide Call for Projects;
- C. programming \$13 million to make up for a Congressionally created shortfall in a Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) earmark for the Interstate 405 Northbound Carpool lane project using the \$4.58 million of deobligated funds from item B toward this shortfall;
- D. for those projects and sponsors with numerous previous administrative extensions, one last and final extension, which represents \$62 million in projects;
- E. reprogramming to FY 2007-2008 and FY 2008-2009 funding for the City of Long Beach, First Street Parking Project (#8237) based on special circumstances;
- F. authorizing:
 - 1. the Chief Executive Officer or his designee to negotiate and execute all necessary agreements for approved projects; and
 - 2. amendments to the FY 2007-2008 budget, as necessary, to include the 2007 Countywide Call for Projects Recertification and Extension funding in the Regional Programs budget and Metro grantee projects in the appropriate cost center budgets; and
- G. receiving and filing:
 - 1. time extensions for \$32.13 million in projects; and
 - 2. administrative time extensions of lapsing deadlines for projects for which the Metro Board of Directors approved supplemental funding on January 25, 2007, to coincide with the supplemental funding lapse date.

12. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to enter into an **Exclusive Right to Negotiate (ERN) with the United Commercial Food Workers Union (UFCW)** to jointly develop certain land owned by Metro in connection with the development of adjacent land owned by UFCW. Further, to authorize Metro and UFCW to proceed with a joint preliminary financial and land use study to determine the type of use, preliminary square footages for each use, financial pro forma, a financial plan, and associated information.
13. AUTHORIZED the Chief Executive Officer to negotiate and award **Excess Liability Insurance policies** for a cost not to exceed \$4.9 million for the 12-month period effective August 1, 2007 through July 31, 2008.
18. APPROVED ON CONSENT CALENDAR adopting a position on **H.R. 2783** (Tauscher) – a bill that provides federal reimbursement for mass transportation services as a result of a highway emergency. **SUPPORT.**
19. APPROVED ON CONSENT CALENDAR adopting positions on **H.R. 2548** (Solis) and S 1499 (Boxer) – a bill to amend the Clean Air Act to reduce air pollution from marine vessels which emit over 30 tons of sulfur oxide in Los Angeles County everyday. **SUPPORT**
20. APPROVED ON CONSENT CALENDAR adopting a position on **H.R. 2701** (Oberstar) – a bill that seeks to mitigate the effects of climate change by prompting energy efficiency with respect to transportation modes and to create incentives for the use of alternative fuel vehicles and renewable energy. The bill also encourages energy efficiency with respect to public buildings and our nation’s aviation system. **SUPPORT.**
21. APPROVED ON CONSENT CALENDAR:
 - A. Reaffirming CEO authority to accept the **U.S. Department of Homeland Security Grants** per 1995 resolution concerning Federal, State and Local funding documents. Amend the Fiscal Year (FY) 2008 budget to add \$3,140,564 for Homeland Security projects;

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- B. Establishing a life-of-project budget for the Metro Rail Intrusion Monitoring System Capital Project No. 204084 in the amount of \$1,340,000 and include the project in the FY 2008 budget; and
- C. Executing contracts and modifications, under \$1 million, for projects that are funded and within the scope of the OHS grant.

22. APPROVED ON CONSENT CALENDAR the **salary for the Chief Operations Officer (COO)**, pay range CC (\$183,289 - \$225,680 - \$268,028), plus a 3% increase in salary upon a successful performance review after six months.

29. **CLOSED SESSION:**

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

- 1. Teppo v. LACMTA, Case No.: SC086190
APPROVED settlement in the amount of \$850,000.
- 2. Villareal v. LACMTA, Case No.: BC316949
APPROVED settlement in the amount of \$3 million.
- 3. Carrillo v. LACMTA, Case No.: BC336508
APPROVED settlement in the amount of \$375,000.

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

- Chief Executive Officer

NO REPORT.

31. AUTHORIZED the Chief Executive Officer to execute Contract Modification No. 12.00 to Contract No. C0739 **Canoga Station/Park-and-Ride** with Sully-Miller Contracting Company for decreased Contaminated and Hazardous Soil quantities in the credit amount of \$343,650, decreasing the Total Contract Price from \$12,703,241 to \$12,359,591.
32. APPROVED BY A 2/3 VOTE:
- A. finding that awarding a Design-Build contract will achieve for Metro, among other things, certain private sector efficiencies in the **repair of Pasadena Gold Line Chinatown Aerial Structure cracked shear keys**;
 - B. authorizing the Chief Executive Officer to award a non-competitive single source Design-Build contract to Brutoco Engineering & Construction, Inc. for an amount not to exceed \$640,000 for Chinatown Aerial Structure final design and repair of cracked shear keys;
 - C. approving Contract Modification Authority in the amount of \$200,000 for possible modifications/change orders for future unforeseen field conditions; and
 - D. approving an increase in the FY 2008 budget of \$540,000 from \$300,000 to \$840,000.
34. APPROVED ON CONSENT CALENDAR BY A 2/3 VOTE:
- A. finding that there is only a single source of procurement for computer-telephony equipment and purchase is for the sole purpose of duplicating the computer-telephony equipment already in use. The Board hereby authorizes the purchase of computer-telephony equipment, pursuant to Public Utilities Code § 130237; and
 - B. authorizing the Chief Executive Officer to award firm fixed price Contract No. PS39602045, to AT&T Public Safety Division for the purchase of a **six-position computer-telephony system** for an amount not to exceed \$259,145.07 inclusive of sales tax.

35. APPROVED ON CONSENT CALENDAR:

- A. award a five-year firm fixed price unit rate Contract No. OP33442023, to Accent Landscape, Inc., for **Metro Orange Line landscape maintenance services** in an amount not to exceed \$3,928,432, inclusive of two one-year options and a 10% contingency of \$357,130 for as-needed additional services, effective September 1, 2007; and
- B. award a five-year firm fixed price unit rate Contract No. OP33440677 to Asplundh Tree Expert Company, for Metro Orange Line tree trimming services in an amount not to exceed \$425,146, inclusive of two one-year options, effective September 1, 2007.

36. APPROVED ON CONSENT CALENDAR subject to resolution of protest:

- A. authorizing the Chief Executive Officer to execute fourteen **Metro Freeway Service Patrol (FSP) contracts** for a total amount not to exceed \$21,652,592 inclusive of a 7% contingency, to the following contractors:

Beat	Contractor	Amount	Contract Period
3	Neighborhood Tow 4U, Los Angeles	\$1,625,898	01/01/08-12/31/10
4	Sonic Towing, Los Angeles	\$1,939,004	12/01/07-11/30/10
7	Platinum Tow & Transport, Camarillo	\$1,591,563	03/01/08-02/28/11
8	Pepe's Towing, Los Angeles	\$1,323,150	11/01/07-10/31/10
10	EZ Towing, Van Nuys	\$1,439,076	01/01/08-12/31/10
12	Pepe's Towing, Los Angeles	\$1,343,750	12/01/07-11/30/10
14	Kenny's Auto Service, Bellflower	\$1,566,660	02/01/08-01/31/11
16	Reliable Delivery Service, Santa Fe Springs	\$1,610,379	02/01/08-01/31/11
17	Tip Top Tow, Santa Monica	\$1,658,938	03/01/08-02/28/11
20	J&M Towing, Alhambra	\$1,451,250	11/01/07-10/31-10
24	Top Notch Towing, Van Nuys	\$1,328,506	03/01/08-02/28/11
39	ABA Towing, Inglewood	\$1,356,493	12/01/07-11/30/10
40	Lara's Tow Service, Los Angeles	\$1,644,400	12/01/07-11/30/10
41	Jon's Towing, Sun Valley	\$1,773,525	02/01/08-01/31/11
Total Amount Not to Exceed		\$21,652,592	

- B. executing two Pilot 4 year term Metro FSP contracts for a total amount not-to-exceed \$4,187,735, inclusive of a 7% contingency, to the following contractors:

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