

Metro Gold Line Foothill Extension Construction Authority Board Meeting
Construction Authority Offices, Conference Room
406 E. Huntington Drive, Suite 202
Monrovia, CA 91016
November 17, 2010
7:00 P.M.

1. Call to Order:

Chairman Hanks called the meeting to order at approximately 7:05 PM.

2. Roll Call:

Member	Appointing Entity	Present	Absent
Voting Members			
Keith Hanks, <i>Chair</i>	City of South Pasadena	X	
Doug Tessitor, <i>1st Vice Chair</i>	City of Pasadena	X	
Ed Reyes, <i>2nd Vice Chair</i>	City of Los Angeles	X	
John Fasana	LACMTA	X	
Sam Pedroza	SGVCOG	X	
Non-Voting Members			
Lara Larramendi	Governor of California	X	
Bill Bogaard	City of Pasadena		X
Daniel Evans	City of South Pasadena	X	
Alternate Members			
Michael Cacciotti	City of South Pasadena	—	—
Gerry Miller	City of Los Angeles	—	—
Mary Ann Lutz	SGVCOG	—	—

3. Pledge of Allegiance

Doug Tessitor led the Pledge of Allegiance.

4. Public Comments on Items On/Off Agenda

Chairman Hanks requested any public comments on or off the Agenda.

Karen Gorman, MTA Ethics Officer/Inspector General addressed the Board regarding possible services available to the Construction Authority as a grantee of Metro funds for Ethics and Audit Investigative Services (AIG).

Board Member Fasana, as a Metro Board member, congratulated Ms. Gorman on her outstanding service and integrity with Metro.

Chairman Hanks inquired if the services mentioned by Ms. Gorman were “fee for service”. Ms. Gorman indicated that generally no fee would be assessed, but it would also depend on the type of request or issue and staffing levels.

Counsel Estrada also thanked Ms. Gorman for her help in the past with several issues and requests on behalf of the Construction Authority.

5. CEO's Monthly Report

Mr. Balian presented the report. Mr. Balian reported on various items including ongoing work on the Phase 2A Draft EIR whose comment period was extended to December 9, 2010 and would be brought to the Board in January 2011. Mr. Balian also reported progress on the PSR/PR which was being reviewed by Caltrans and expected to be completed by December. Mr. Balian indicated that discussion with Metro were underway regarding the new financing plan.

6. Consent Calendar:

- a. **Approval of Minutes of Board Meeting held October 27, 2010**
- b. **Authorize CEO to Execute Amendment No 4 to Nossaman, LLP Contract No. C1100 for Design-Build Services**

Chairman Hanks requested a motion to approve the Consent Calendar. Board Member Fasana made a motion to approve the Consent Calendar. Board Member Tessitor seconded the motion which was then approved unanimously.

7. General Board Items:

- a. **Receive and File Report on Project Update: California Public Utilities Commission Applications and Grade-Crossing**

Mr. Balian introduced Mr. Burner who provided the report. Mr. Burner indicated that the California Public Utilities Commission (CPUC) is the governmental agency responsible for making sure that railroad-highway grade crossings are designed, constructed, and properly maintained for public safety. Mr. Burner indicated that there are a total of 41 crossings in Phase 2A and that of these, 23 are grade separated and 18 are at-grade. Mr. Burner indicated that the CPUC has approved 10 of the 41 crossings, including the IFS, and that 5 crossings are currently under review.

Board Member Fasana requested a more detailed listing of the CPUC application and current status. Mr. Balian indicated that would be provided and that the Board would be updated regularly on the status of the applications.

Item received and filed.

Agenda Items taken out of order:

c. Phase 2A Critical Path Items

Mr. Balian provided the report. Mr. Balian review a PowerPoint presentation that showed a delay in the EIR until January to allow for additional comments, which would be due on December 9, 2010. Mr. Balian also updated the Board on recent Metro discussions with BNSF. Mr. Balian indicated that discussions with BNSF have been productive and the major issues have been identified. Mr. Balian indicated that he would be reporting back to the Board in January with an update.

Item received and filed.

d. Legislative Update

Mr. Balian provided the report. Mr. Balian thanked Jan Powell for her recent efforts in coordinating a visit to Washington D.C. with Board Members Tessitor, Larramendi and Pedroza. Mr. Balian indicated that some of the discussions in Washington DC centered on looking at how to streamline the CEQA/NEPA process.

Board Member Larramendi also thank Ms. Powell for her efforts.

Item received and filed.

e. Monthly Project Status Report

Mr. Balian provided the report. Mr. Balian Burner reviewed the status of various items ongoing in Phase 2A including environmental issues, IFS coordination meetings, CPUC applications, utility agreements, Army Corps of Engineers meetings and DB Phase 2A Q&A. Mr. Balian also reviewed various other items that were of great importance to the Project but not critical. Mr. Balian also reviewed various items that would be addressed in the upcoming months.

Board Member Reyes indicated that he would be meeting with the new regional director of the Army Corps of Engineers, Lt. Col Toy and would happy to discuss any matter with him.

Item received and filed.

b. Receive and File Report on Quality Control/Assurance

Mr. Balian introduced Mr. Burner who provided the report. Mr. Burner indicated that a similar approach to Quality Control/Assurance was being taken by the

Construction Authority on Phase 2A as was used on Phase 1 and on the Eastside project. Mr. Burner presented a presentation that reviewed the program and its components. Mr. Burner indicated that there are four goals associated with the project management of the Phase 2A design-build contracts which are to 1) maintain budget, 2) maintain schedule, 3) deliver a high quality system to Metro, and 4) achieve items 1 through 3 in a safe manner. Mr. Burner indicated that the quality control function will reside within the Construction Authority's construction department. Mr. Burner indicated that construction staff will work with the design-builder to address any concerns.

Board Member Fasana inquired what the rate of sampling for inspections for project oversight. Mr. Burner indicated that these would occur on a weekly basis by looking at a 3-week look ahead with a focus on critical items.

Chairman Hanks inquired what interaction there would be with Metro regarding this issue. Mr. Burner indicated that Metro via the Master Cooperative Agreement had full inspection rights at anytime. Mr. Burner also indicated that if Metro had a concern, it would be presented to the Construction Authority staff and not the design build team.

Item received and filed.

8. General Counsel Report

None.

9. Board Member Comments

None.

10. Closed Session

CONFERENCE WITH LEGAL COUNSEL:

Anticipated LitigationG.C. 54956.9(b)

A point has been reached where, in the opinion of the Authority on the advice of its legal counsel, based on facts and circumstances that might result in litigation but which the Authority believes are not yet known to a potential plaintiff or plaintiffs, there is a significant exposure to litigation against the Authority.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR.... G.C. 54956.8

(1) Property: (1) 8513-012-911; 8513-012-912;
(2) 8513-012-909; (3) 8513-012-908;
(4) 8513-012-910

Agency Negotiator: Habib F. Balian
Negotiating Parties: Monrovia Redevelopment Agency

Under Negotiation: Price and terms

No reportable action.

10. Adjournment

The Board meeting was adjourned at approximately 7:58 PM into Closed Session.