

**Metro Gold Line Foothill Extension Construction Authority Board Meeting
 Arcadia City Council Chambers
 240 West Huntington Drive
 Arcadia, California 91007
 July 13, 2011
 7:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 7:09 PM.

2. Roll Call:

Member	Appointing Entity	Present	Absent
Voting Members			
Doug Tessitor, <i>Chair</i>	City of Pasadena	X	
Sam Pedroza, <i>1st Vice Chair</i>	SGVCOG	X	
Ed Reyes, <i>2nd Vice Chair</i>	City of Los Angeles		X
Keith Hanks	City of South Pasadena	X	
John Fasana	LACMTA	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 Tessitor requested any public comments on or off the Agenda.

Henry Gray, a resident of the City of Monrovia, addressed the Board regarding the ongoing negotiation for property in the Maintenance and Operation Facility location with the City of Monrovia. Mr. Gray requested that all parties move as expeditiously and fairly as possible toward a resolution.

Chairman Tessitor requested if there were any additional speakers, seeing and hearing none, Chairman Tessitor closed public comment.

5. CEO's Monthly Report

Mr. Balian presented a video to the Board which highlighted recent activities on the Construction Authority including IFS construction; receipt of DB2 final proposals and the on-going review by evaluation committees; reps-of-elected meetings with local, state and federal officials and continued community outreach.

Mr. Balian reviewed various critical path items including various agreements, the acquisition of the M&O properties, upcoming DB2 contact award in July; work with the Army Corp of Engineers for the San Gabriel River bridge and as well as the legal challenge to the Phase 2A environmental report.

6. Consent Calendar

- a. Receive and File Environmental Certification Process of the Azusa to Montclair Extension**
- b. Continue to a date to be determined consideration of a Resolution Approving Certain Refinements to Phase II, Segment 1, and Adopting an Addendum to the Certified Final EIR for Phase II, Segment 1**
- c. Continue to a date to be determined approval of Use and Improvement Agreement with 3M Company**

Chairman Tessitor requested that Item 6.a. Receive and File Environmental Certification Process of the Azusa to Montclair Extension be moved from the Consent Calendar to General Board Items.

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

7. General Board Items

Agenda Item 6.a. from Consent Calendar:

- a. Receive and File Environmental Certification Process of the Azusa to Montclair Extension**

Mr. Balian presented a PowerPoint slide that reflected a modification to the strategy to environmental clear the project from Azusa to Montclair. Mr. Balian indicated it is proposed that CEQA certification be completed independently of NEPA certification. Mr. Balian indicated that the NEPA certification would then be completed in late 2012.

Chairman Tessitor inquired if there were any questions or comments from the Board – hearing and seeing none, Chairman Tessitor open the item up for public comment.

Mr. Robert Silverstein, attorney for George Brokate and Excalibur Properties LLC, addressed the Board. Mr. Silverstein indicated that proposed modified schedule is misleading in that it pre-supposes various necessary critical steps before the Board could adopt certification of CEQA or NEPA.

Mr. Silverstein indicated that it is his belief that there is a tacit agreement or conspiracy between the City of Monrovia and the Construction Authority with respect to the purchase of city-owned property at the Maintenance and Operation site which would violate Mr. Brokate's constitutional rights.

Mr. Silverstein provided a copy of a previously submitted letter dated February 2, 2001, to the Construction Authority and the FTA regarding objections to the certification process of the Azusa to Montclair extension because of project segmentation which Mr. Silverstein asserted are violations of both CEQA and NEPA laws. Mr. Silverstein indicated that his client and firm will oppose any proposed certification of the Azusa to Montclair extension.

Chairman Tessitor requested if there were any additional speakers, seeing and hearing none, Chairman Tessitor closed public comment.

Chairman Tessitor Requested a motion to Receive and File Environmental Certification Process of the Azusa to Montclair Extension. Board Member Pedroza made a motion to move receive and file the item Board Member Fasana seconded the motion which was then approved unanimously.

a. Receive and File a Project Update Report on Utilities

Mr. Balian introduced Mr. Burner who provided the report. Mr. Burner indicated that staff has been reviewing potential Phase 2A utility conflicts since June 2009. Mr. Burner reviewed the utility evaluation process which includes obtaining utility as-built plans from cities and utilities, staff incorporating information into project drawings, and review of license agreements with the various utilities. Mr. Burner indicated that staff also met with utility companies and entered into MOU or letter of cooperation with many of the companies. Mr. Burner indicated that where potential utility conflicts exists, staff evaluated various approaches to share the risk of utility relocation between the Authority and the design-build contractor. Mr. Burner indicated that the design-build contractor will manage all utility relocations. Mr. Burner indicated that a similar approach was used in Phase 1 with the cost of relocating most wet utilities included in the proposal price and most dry utilities paid outside of the proposal price except in Phase 2, a provisional sum in the design-build contract will be used to pay for certain relocations instead of the Authority making payment directly to the utility company.

Board Member Hanks inquired what standard staff using with respect to utility crossings. Mr. Burner indicated that SCRAA and METRO standards were being used.

Chairman Tessitor requested a motion to Receive and File a Project Update Report on Utilities. Board Member Fasana made a motion to receive and file the item. Board Member Pedroza seconded the motion which was then approved unanimously.

b. Receive and File a Project Update Report on IFS Foundation Design

Mr. Burner presented the report. Mr. Burner indicated that the IFS builder, Skanska in effort to accelerate the design process separated the foundation design from the main structure design. Mr. Burner indicated that the initial foundation package has been submitted to Caltrans for review and approval. Mr. Burner indicated that the IFS foundation consists of two types of foundation (a) large concrete piles which support the bridge superstructure and smaller piles which support the abutments. Mr. Burner indicated final foundation design package is with Caltrans and Metro for review and approval and that Skanska anticipates foundations will be constructed by the end of summer 2011. Mr. Burner indicated that once the foundations are completed, work on the superstructure will commence.

Board Member Hanks requested a site visit by Board Members to view the large pilings construction and installation.

Mr. Burner indicated that he would arrange an appropriate time and would report back to the Board.

Chairman Tessitor requested a motion to Receive and File a Project Update Report on IFS Foundation Design. Board Member Pedroza made a motion to receive and file the item. Board Member Hanks seconded the motion which was then approved unanimously.

8. General Counsel's Report

None.

9. Board Member Comments

Board Member Larramendi requested that outreach to project stakeholders and commuters on the 210 be conducted.

General Counsel Estrada reviewed the various items that would be considered in Closed Session and indicated that there may be reportable actions. Chairman Tessitor adjourned the Board Meeting into Closed Session at approximately 7:37 PM.

10. Closed Session

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

(i) Property: (1) 8513-012-804; (2) 8513-012-908; (3) 8513-012-909;
(4) 8513-012-910; (5) 8513-012-911; (6) 8513-012-912

Agency Negotiator: Habib F. Balian and Wes Beverlin, Esq.
Negotiating Parties: Monrovia Redevelopment Agency
Under Negotiation: Price and terms

- (ii) Property: "Little Duarte Road"
Agency Negotiator: Habib F. Balian and Wes Beverlin, Esq.
Negotiating Parties: City of Monrovia
Under Negotiation: Price and terms
- (iii) Property: (1) 8513-012-032; (2) 8513-012-033;
(3) 8513-012-034; (4) 8513-012-035;
(5) 8513-012-036
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Excalibur Holdings
Under Negotiation: Price and terms
- (iv) Property: 8513-012-043
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Hoffman Family Trust/Linsalato
Under Negotiation: Price and terms
- (v) Property: 8531-017-022
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Peter & Yolanda Gutierrez
Under Negotiation: Price and terms
- (vi) Property: 8531-017-021
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Javier & Micaela Sanchez
Under Negotiation: Price and terms
- (vii) Property: 8533-009-023
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: MillerCoors LLC
Under Negotiation: Price and terms

B. CONFERENCE WITH LEGAL COUNSEL:G.C. 54956.9(a)
Pending Litigation

- (i) Excalibur Property Holdings, LLC and George Brokate v.
Pasadena Metro Blue Line Construction Authority
Case No. BS130732
- (ii) Excalibur Property Holdings, LLC and George Brokate v.
City of Monrovia et. al.
Case No. BS129985

C. CONFERENCE WITH LEGAL COUNSEL(G.C. 54956.9(b))

Anticipated Litigation:

A point has been reached where, in the opinion of the Authority Board on the advice of its legal counsel, based on the receipt of a Notice of Application to Attorney General and related documents from Christopher Sutton, there is a significant exposure to litigation against the Authority.

11. Adjournment

The Board entered Closed Session at 7:37 PM. General Counsel Estrada indicated that Board of Directors had directed the General Counsel to provide a defense with regard to Closed Session Agenda Item 10.C. There were no other reportable actions as a result of closed session and the meeting was adjourned at 9:36 pm.