

**Metro Gold Line Foothill Extension Construction Authority Special Board Meeting
 Construction Authority Offices, Maria Dalton Conference Room
 406 E. Huntington Drive, Suite 202
 Monrovia, CA 91016
 January 18, 2011
 12:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 12:07 PM.

2. Roll Call:

Member	Appointing Entity	Present	Absent
<i>Voting Members</i>			
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	
<i>Non-Voting Members</i>			
Lara Larramendi	Governor of California		X
Bill Bogaard	City of Pasadena	X	
Daniel Evans	City of South Pasadena	X	
<i>Alternate Members</i>			
Michael Cacciotti	City of South Pasadena	—	—
Gerry Miller	City of Los Angeles	—	—
Mary Ann Lutz	SGVCOG	—	—

3. Pledge of Allegiance

John Fasana led the Pledge of Allegiance.

4. Public Comments on Items On/Off Agenda

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

None.

5. CEO's Monthly Report

Mr. Balian presented the report. Mr. Balian updated the Board on various items underway including recently held NEPA / CEQA scoping meetings for the Azusa to Montclair portion of the alignment (Phase 2B). Mr. Balian indicated that attendance was very high and the majority of the comments, if not all, were very positive.

6. General Board Items:

Chairman Tessitor requested a motion to move General Board Item 6.b. "Committee Assignments" be the first item on the Agenda. Board Member Fasana made a motion to move Agenda Item 6.b. to the first item under General Board Items, which was seconded by Board Member Pedroza and passed unanimously.

b. Consideration of Committee Assignments

Mr. Balian presented the item. Mr. Balian indicated that as was practice with the Board, re-organization of the Committee assignments as suggested by the Chairman were presented at the first meeting in January.

Chair Tessitor inquired if there were any comments regarding the Committee assignments.

Chairman Tessitor requested a motion to approve the proposed Committee Assignments. Board Member Hanks made a motion to approve the Committee assignments which was seconded by Board Member Fasana and passed unanimously.

a. Consideration of proposed Phase 2A (Pasadena to Azusa) refinements, including location of a maintenance and operations (M&O) facility, the realignment of Mountain Avenue at Duarte Road, the relocation of parking structures at the Monrovia and Irwindale stations, replacement of the North Colorado Boulevard Bridge, and the replacement of the San Gabriel River Bridge; consideration of a Supplemental Environmental Impact Report analyzing the proposed refinements

Mr. Balian presented the report. Mr. Balian indicated that the 2007 Environmental Impact Report (EIR) has been modified with refinements in 2009 and 2010 and that additional refinements were being proposed today. Mr. Balian indicated that Chris Burner, the Construction Authority's Chief Project Officer, would provide an overview of the proposed refinements to Phase 2A and that Lauren Abom, Senior Environmental Planner for Jacobs the Authority's environmental consultant for the refinements), would present a more detailed overview of the environmental review.

Mr. Burner began his overview of the EIR with the (1) Maintenance and Operations facility (M&O Facility). Mr. Burner indicated that the M&O was not initially included in Phase 2A of the project but that Metro created a requirement to include the M&O facility as part of Phase 2A as indicated in the recently executed Master Cooperative and Funding Agreements between Metro and the Construction Authority. Mr. Burner indicated the second refinement (2) was a realignment of Mountain Avenue and Duarte Road. Mr. Burner indicated that the realignment would greatly increase the safety at the intersection. Mr. Burner indicated that the third and fourth (3 & 4) refinements were the relocations of parking at the Monrovia and Irwindale stations. Mr. Burner indicated that the current parking configuration at Monrovia station was

a surface lot. Mr. Burner indicated that a Transit Oriented Development is being developed in this area and the area is slightly smaller than the space need to accommodate the 350 spaces. The refinement at Monrovia Station is to add a parking structure. The refinement at Irwindale Station is to relocate the parking from the North side of the tracks, which requires tunnel access, to the South side of the tracks just west of Irwindale Avenue. Mr. Burner indicated that this refinement will eliminate the need for the tunnel and improve constructability and safety. Mr. Burner indicated that the fifth refinement (5) is the replacement of the Colorado Boulevard Bridge in Arcadia. Mr. Burner indicated that the refinement is needed because the existing bridge is single track and a dual-track is needed. Mr. Burner also indicated that the current abutment of the bridge does not meet the necessary structure standards required by Metro. Mr. Burner indicated that the final refinement (6) is the replacement of the San Gabriel River Bridge which is also a single track bridge and a dual track is required for the project. Mr. Burner indicated that the bridge was constructed in the early 1900s and does not meet current seismic standards.

Ms. Abom provided a detailed technical analysis of the refinements and the process of conducting the Supplemental EIR as required by CEQA. Ms. Abom indicated that the process for this Supplemental EIR was initiated in early 2010 with a notice of preparation issued in May 2010; scoping meetings in Arcadia and Irwindale in June 2010; and circulation of the draft Supplemental EIR for public comment from September 23 to December 9, 2010. Ms. Abom noted that the comment period for the draft Supplemental EIR was extended from the initial 45 days to 78 days, which provided for additional comment above and beyond CEQA Guidelines recommendation that such comment periods generally should not exceed 60 days. Ms. Abom also noted that an additional hearing was held in October 2010 to take additional public comment on the draft Supplemental EIR.

Ms. Abom indicated that in addition to the six refinements described by Mr. Burner, an alternative analysis was conducted for the M&O facility. Ms. Abom indicated that a site in Irwindale, know as the Miller/Coors location, which was reviewed in the 2007 EIR, was analyzed again as an alternate site. Ms. Abom indicated that at the time the 2007 EIR was conducted, the Miller/Coors location site was not part of the Phase 2A project. Ms. Abom indicated that the significant impacts associated with the M&O facility in Monrovia as identified in the Supplemental EIR are mitigated to less than significant levels.

Ms. Abom reviewed the various impacts of the refinements that were identified to be less than significant, including aesthetic impact levels, traffic, hazardous materials, utilities and service systems, short-term air quality impacts, geology and soils, water quality and construction noise. Ms. Abom indicated that the refinements, other than the Mountain Avenue realignment, do not have any impacts or only have impacts that can be mitigated to less than significant levels. Ms. Abom indicated that due to construction constraints and the proximity of residences to the intersection there would be traffic and noise

impact associated with the Mountain Avenue realignment, but that traffic impacts would be reduced to less than significant levels. Ms. Abom further indicated that the existing noise levels are already above allowable noise standards. Ms. Abom indicated that the realignment of the intersection would not allow for sound walls, and thus would result in a significant unavoidable impact at the location.

Ms. Abom indicated that alternative M&O site identified in Irwindale would have potentially significant biological impacts including sensitive plant and bird habitats which have protected status. Ms. Abom indicated that the Irwindale site was previously a mine and due to the configuration of the existing slopes and extensive study to identify constructability would need to be undertaken. Ms. Abom also indicated that the Irwindale site would have additional impact for water erosion. Ms. Abom indicated that for the aforementioned reasons between the two identified M&O sites, Monrovia was selected as the environmentally superior alternative.

Ms. Abom reviewed the documents that were made available to the Board including the 2007 Final EIR, the four (4) volumes of the 2010 Supplemental EIR, a letter from the City of Monrovia which clarifies that the location of the M&O is consistent with the City of Monrovia General Plan, and a technical memorandum which analyzes the traffic impacts of the M&O facility in Monrovia as well as the Mountain Avenue intersection.

General Counsel Estrada indicated that the two Addendums to the EIR approved by the Board in 2009 and 2010 were also available for review and reference.

Chair Tessitor requested public comment.

Brad Torgan from The Silverstein Law Firm on behalf of George Brokate and Excalibur LLC, property owners in the City of Monrovia. Mr. Torgan indicated that he felt that the SEIR as presented was flawed and that additional comments to the draft SEIR were being presented today. Mr. Torgan indicated that a copy of the comments were presented to the clerk and the additional copies for the Board were with the Construction Authority's General Counsel. Mr. Torgan indicated that since the close of the comment period of the Phase 2A SEIR, scoping meeting have occurred for the Azusa to Montclair portion of the project and he felt that this was improper piecemealing under CEQA. Mr. Torgan indicated that the entire alignment from Pasadena to Montclair should be addressed and the only reason for segmenting the process was due to funding sources, which is not appropriate. Mr. Torgan indicated that if the entire segment was analyzed, additional locations for the M&O facility could be identified further east of the Phase 2A project. Mr. Torgan indicated that it was his belief that the supplemental EIR was fatally flawed and inadequate. Mr. Torgan referenced a recent ruling from the California Court of Appeal ([Park Legal Defense Fund v. City of Huntington Beach](#)), asserting that it had a similar set of facts as the supplemental EIR before the Board with respect to

possible alternatives analysis for the M&O facility. Mr. Torgan reviewed other possible other alternative sites that had been identified and the rationale for why they should be considered. Mr. Torgan indicated that he felt that the responses to the supplement EIR comments were inadequate and represented a rushed approach by staff. Mr. Torgan provided a review of various items for which he felt inadequate responses were provided.. Mr. Torgan requested that the Board reject the current supplemental EIR before the Board.

Christopher Sutton, attorney for George Brokate and Excalibur LLC. Mr. Sutton indicated that he filed comments with the Construction Authority earlier today. Mr. Sutton indicated that various comments to the supplemental EIR had been ignored by staff in violation of CEQA. Mr. Sutton provided an additional 32 locations for the possible location of the M&O facility in his comments today. Mr. Sutton indicated he felt that failure to consider these alternate locations was a violation of CEQA. Mr. Sutton indicated that the Brokate family is an unwilling seller and does not want to undergo an eminent domain proceeding, which he alleges is a fundamental violation of rights. Mr. Sutton requested that a complete and thorough review of all possible M&O Facility locations be undertaken by staff. Mr. Sutton indicated that the Monrovia site was more expensive and constrictive and makes no sense to select as the M&O facility site. Mr. Sutton requested that the Board direct staff to undertake a study of the entire alignment and to analyze the 32 sites provided to staff this morning.

George Brokate representing himself and Excalibur Property Holdings in the City of Monrovia. Mr. Brokate indicated that he owns 4 ½ acres of land in the proposed location for the 25 acre M&O facility. Mr. Brokate indicated that he is a US Marine Corp veteran who served in Vietnam and fought to protect fundamental rights such as private property. Mr. Brokate indicated that he is not interested in selling the property, especially for sums generally offered by governmental agencies and would do everything to oppose use of his property. Mr. Brokate indicated that his attorneys had provided various written objections regarding the improper analysis of possible alternatives for the M&O Facility and urged the Board to conduct a CEQA review of those alternatives. Mr. Brokate indicated that a site identified in Azusa was not considered because of an unwilling seller and the Monrovia site should be treated the same as he was an unwilling seller. Mr. Brokate further indicated that 50% of the land for the proposed M&O is dependent upon land owned by the Monrovia Redevelopment Agency and the proposed use of an M&O facility is not the redevelopment agreed to by taxpayers. Mr. Brokate indicated that Metro requires the Construction Authority to acquire a percentage of land and that under the supplemental EIR, the Authority cannot legally proceed. Mr. Brokate urged the Board to reject the supplemental EIR and to consider an alternative site.

Chair Tessitor thanked persons presenting public comments and requested if anyone else wished to make public comments. None.

Chair Tessitor inquired if the Board Members had any comments or questions. Board Member Fasana inquired if staff had responded to all submitted comments. Counsel Estrada indicated that comments had been received today and staff does need to respond as well as a response to the oral testimony provided today. Board Member Fasana inquired as to what the process and timing be based upon the need to respond. Mr. Estrada recommended that the Board recess until 5:00 pm which would provide time to review comments and oral testimony from today and then at that time a determination can be made if the Board may proceed or additional time is needed and possibly scheduling of a another Special Board meeting or convening at the regular Board Meeting on January 26, 2011. Board Member Fasana inquired if the additional 32 sites would be addressed. Mr. Estrada indicated that staff would review those as well. Mr. Estrada also indicated a notice would be posted on the Construction Authority's webpage regarding the meeting.

Chair Tessitor indicated that the Public Hearing would remain open and he requested a motion to recess the Board Meeting until 5:00 pm today. Board member Bogaard made a motion which was seconded by Board Member Reyes and was passed unanimously. The Board Meeting was recessed at 12:19 pm.

The Board Meeting was reconvened at 5:38 pm. Board Members present were Chair Tessitor, Board Members Lutz (SGVCOG alternate for Pedroza), Reyes, Hanks, Fasana, Larramendi and Evans.

Board Member Lutz indicated that she is the SGVCOG alternate for Board Member Sam Pedroza, was present at the 12:00 PM session of the Board meeting and has been provided all the materials relative to today's Board meeting, as well as all previous Board meetings, and is fully up to speed on matters before the Board today.

Counsel David Snow indicated that staff has prepared a revised resolution, responses to comments (Exhibit D to the revised resolution) received today from Mr. Brokate's attorney's, including 2 exhibits that provide analysis of the various alternative sites submitted by The Silverstein Law Firm and Mr. Sutton today. Mr. Snow indicated that Ms. Abom would provide an overview of the responses to those comments prepared by staff, after which the Board may want to consider a short break to review staff responses, then allow for public comment and address any questions to staff on this item.

Ms. Abom reviewed Exhibit D which provides responses to comments received from Mr. Sutton and The Silverstein Law Firm today. Ms. Sutton indicated that responses I through VIII of Exhibit D addressed comments received by The Silverstein Law Firm today and the remaining 3 responses addressed those comments by Mr. Sutton submitted today. Ms. Abom indicated that response II was addressed previously in Vol.4, Comment J of the supplemental EIR as well as the attached Exhibit 1 for alternative sites suggested by The Silverstein Law Firm. Ms. Abom indicated that comment III was previously addressed in Vol 4, Comment O of the supplemental EIR and also addressed issues of M&O property size. Ms. Abom indicated that response

IV addressed issues of noise mitigation at the Mountain Avenue and Duarte Road intersection and mitigation measures to be undertaken. Ms. Abom indicated that response V address air quality issues. Ms. Abom indicated that response VI address the M&O analysis of the MillerCoors location in Irwindale. Ms. Abom indicated that response VII was previously in Vol.4, Comment CC of the supplemental EIR. Ms. Abom indicated that response VIII addressed the Monrovia Redevelopment Agency. Ms. Abom indicated that response 1 addressed issues of funding and planning for Phase 2A and Phase 2B. Ms. Abom indicated that response 2 addressed two alternatives for the Monrovia M&O as well as other alternatives raised by the Sutton letter. Ms. Abom indicated that response 3 addressed the assertion that a pre-determined decision regarding the Monrovia M&O facility had been reached.

Mr. Snow provided further clarification to response 1 to Mr. Sutton about possible improper segmentation between Phase 2A and 2B.

Chair Tessitor recessed the meeting at 5:50 for approximately 25 minutes for the Board to review the materials prepared by staff.

Chair Tessitor reconvened the meeting at 6:12 pm with a quorum of the Board present.

Chair Tessitor inquired if anyone wished to make public comment.

Mr. Torgan addressed the Board. Mr. Torgan indicated it was improper to segment the project because of state and federal funding sources. Mr. Torgan indicated that entire segment from Pasadena to Montclair should be treated as a whole and not segmented. Mr. Torgan indicated the staff was ignoring possible M&O alternatives east of Azusa by arbitrarily terminative Phase 2A in Azusa. Mr. Torgan indicated that the fact that staff was conducting environmental review of Phase 2B was further proof of peicemealing of the project. Mr. Torgan indicated that responses from staff were inadequate and did not fully address the comments submitted by Mr. Sutton and The Silverstein Law Firm.

Mr. Sutton addressed the Board. Mr. Sutton indicated that the size of the proposed M&O facility was based upon the construction of Phase 2B and to ignore a possible 71 acre alternative as well as others in Phase 2B is inappropriate. Mr. Sutton indicated that staff responses were not based on any information in the record. Mr. Sutton indicated that the project was being improperly segmented.

Mr. Joel Covarrubias addressed the Board. Mr. Covarrubias indicated that he has been attending EIR hearing for many years. Mr. Covarrubias addressed the issue of segmentation and the argument that the M&O must be part of Phase 2B. Mr. Covarrubias indicated that the argument can be made that the Gold Line is part of a larger light rail network and the M&O facility was being established to service not just Phase 2A or Phase 2B but also other segments of the light rail network so to tie the M&O facility to Phase 2B does not make sense. Mr. Covarrubias recommended to the Board what many other citizens have suggested through comments and in meetings: to build this project and the M&O facility.

Chair Tessitor thank the members of the public for their comments and asked if there were any other questions. Board Member Fasana moved to close the Public Comments which was seconded by Board Member Lutz and agreed upon unanimously.

Chair Tessitor inquired in Board Members had any comments or questions for staff.

Board Member Fasana commented that as a Metro Board member, the M&O facility is meant to provide service to additional light rail lines outside of the Gold Line.

Board Member Larramendi inquired if the size of the M&O facility was based upon Phase 2A or Phase 2A and Phase 2B. Chair Tessitor indicated that the size of the facility was based upon Metro needs for additional storage and service needs system-wide in Los Angeles County. Chris Burner indicated that when Metro built the Eastside Extension, a M&O facility was part of the project, but it was abandoned. Mr. Burner indicated that the proposed M&O facility in Phase 2A will store and service light rail for the currently undersized and overloaded Midway M&O facility which was build during Phase I of the project. Mr. Burner indicated that as travel headways (frequency of service) is increased and light rail cars are added for the current 2 car configuration to 3 car configuration to meet service demands, additional storage and service needs will need to be met. Thus, the M&O facility size was based on the needs associated with Phase 2A and other existing system needs, and was not based on Phase 2B.

Board Member Reyes thanked staff for the thorough and concise responses to comments received today.

Board Member Lutz inquired about a 71-acre alternate site in Irwindale referred to by Mr. Sutton during public comment. Mr. Sutton indicated that he misspoke and that the site he referenced was actually 26 acres.

Chair Tessitor inquired if there were any other questions or concerns.

Mr. Snow indicated that in response to the alternative sites proposed by Mr. Sutton and The Silverstein Law Firm, that Authority staff including the Director of Engineering and Program Manager reviewed the suggested alternate sites. Mr. Snow indicated that staff is well aware of the needs, design and construction restraints for a M&O facility, that the staff expertise for the bases for the determinations on the suggested alternate sites presented to the Board as the attachments to Exhibit D.

Board Member Hanks inquired with regard to the two possible configuration options at the Monrovia M&O facility if there were any safety concerns with running tracks around the facility. Mr. Balian has indicated that after review and analysis that no safety concerns existed.

Board Member Hanks thanked staff for the tremendous effort in responding to the comments received today. Board Member Hanks thanked staff especially for

reviewing the alternative sites that were submitted.

Board Member Hanks indicated that upon review of the responses prepared by staff that he was comfortable with what had been presented to the Board. Board Member Hanks indicated that he is never comfortable having to make a decision where there is a possibility of having to acquire property but sees no reasonable alternative. Board Member Hanks indicated his belief that Monrovia would be the preferable site for the M&O facility.

Board Member Hanks indicated with regard to the segmenting issue, that Phase 2A is funded by the Los Angeles County Measure R dollars and that Metro has restricted the Construction Authority from seeking federal new starts dollars for Phase 2B, thus it is unclear where those funds will come from. Board Member Hanks indicated that it is not possible to delay Phase 2A to wait for funding for Phase 2B.

Board Member Lutz thanked staff for the efforts during the entire process and especially for the diligent efforts to respond to today's comments. Board Member Lutz also inquired of staff about the revised resolution being presented.

Mr. Snow indicated that a red-line document was provided to indicate that the responses and related exhibit to today's comments were now included as Exhibit D, along with other clarifications.

Board Member Lutz reiterated her previous attendance at the January 18, 2011, 12:00 Special Board meeting to hear the staff report and public testimony as well as her continued involvement and receipt of all Board materials relative to the item before her today as well as all things Board related.

Board Member Hanks also addressed Mr. Sutton's letter and specifically item 3 which asserted that a decision on the Monrovia M&O facility was pre-determined. Mr. Hank indicated that during his past two years as Chair that he was not aware of any such agreement or conversation and rejects the assertion.

Board Member Fasana expressed his appreciation for the safety improvement at the Mountain Avenue and Duarte Road intersection which outweighed the existing and residual noise impact.

Board Member Fasana made a motion to approve the revised resolution and related exhibits to approve the proposed project refinements, certify the Final Supplemental EIR, and make findings related thereto. Board Member Reyes seconded the motion.

Chair Tessitor thanked the efforts of staff and the attorneys. Chair Tessitor also thanked the members of the public who came to speak on the matter today and acknowledged that there are many sides and views to the issue before the Board. Chair Tessitor indicated that he was comfortable that staff had thoroughly examined the items as presented in the resolution and the supplemental EIR. Chair Tessitor indicated that if it were his choice, the entire alignment would be constructed as one project, but the realities of the project do not meet the hope and wishes of everyone.

Chair Tessitor indicated that the Construction Authority will act responsibly and professionally and build the best possible project.

Chair Tessitor requested a roll call vote. The vote was unanimous. 5 voting member and 2 non-voting members all supporting approval of the refinements and certification of the Final SEIR.

7. General Counsel Report

None.

8. Board Member Comments

None.

9. Adjournment

The Board meeting was adjourned at approximately 6:46 PM.