

**Metro Gold Line Foothill Extension Construction Authority Board Meeting
Construction Authority Offices
406 E. Huntington Drive, Suite 202
Maria Dalton Community Room
Monrovia, California 91016**

**April 24, 2013
7:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 7:00 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
Paul Leon	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
Alan Wapner	SANBAG		X
<i>Alternate Members</i>			
Gerry Miller	City of Los Angeles	—	—
Denis Bertone	SGVCOG	—	—

3. Pledge of Allegiance

Sam Pedroza led the Pledge of Allegiance.

4. Public Comments on Items On/Off Agenda

Chairman Tessitor indicated that he had one Public Comment Card. Chairman Tessitor recognized Mr. Tom Smith.

Mr. Smith indicated that he was a trustee of the Living Trust of Miss Aurekua Stenmo in Azusa. Mr. Smith indicated that Ms. Stenmo leaves in the property adjacent to the “vibration house” in Azusa which has been purchased by the Construction Authority. Mr. Smith indicated that he learned from the EIR that the house was purchased to have a fire suppression station place on the property for the Foothill Extension. Mr. Smith indicated that Ms. Stenmo’s property is 20 feet for the vibration house and that it should be purchased as well as the sound levels will not be able to be mitigated. Mr.

Smith indicated that Ms. Stenmo has medical bills that are piling up and if she tried to sell her property that the value would be reduced 20-30% because of the noise levels. Mr. Smith inquired if there was anything that could be done.

Mr. Balian indicated that Mr. Smith should call Jerry Sims at the Construction Authority and he can review with him and the persons who conducted the environmental review what the mitigation measure are and if there are any effects with regard to the property. Mr. Sims introduced himself to Mr. Smith. Mr. Smith thanked the Board for their time.

Chairman Tessitor inquired if there was any additional individuals who wished to provide public comment on items on or off the Agenda, hearing and seeing none, Chairman Tessitor closed public comment.

5. CEO's Monthly Report

Mr. Balian reviewed the Critical Path Schedule which indicated that Substantial Design Completion in May 2013; opening of Dalton Grade Crossing in May 2013; completion of light rail track construction in September 2013; completion of the Foothill Bridge in Azusa in November 2013 and the completion of the freight realignment in December 2013.

Mr. Balian indicated that there was a water main break in Monrovia last Friday. Mr. Balian indicated that the contractor had the water turned off in two hours. Mr. Balian indicated that the Fire Department came out immediately and diverted the water to the middle of the street to avoid impacting residents. Mr. Balian indicated that there had been some reports by businesses of water damage. Mr. Balian indicated that a few businesses lost water for approximately 12 hours. Mr. Balian indicated that the water was turned back on and there were minimal complaints. Mr. Balian indicated that there is a claims process through FTC.

Mr. Balian also indicated that the Gold Line bridge was tagged a month or so ago and that staff has been working with FTC on establishing a protocol to respond to such incidents in a timely manner and to mitigate access to the structure.

Chairman Tessitor inquired how the graffiti coating worked. Mr. Balian indicated that in general it provided good protection and would give it a letter grade of B or B-. Mr. Balian indicated that ultimately the best way to clean some spots was with sandblasting; especially those that were hit with a lot of paint.

Board Member Fasana inquired if staff was looking to install cameras to act as a deterrent. Mr. Balian indicated that staff was in discussions with FTC regarding cameras as well as other measures. Mr. Balian indicated that if the graffiti is cleaned up within 24 hours, it serves as the best deterrent because the reason for putting in there does not exist.

Mr. Balian presented a video which highlight ongoing work on the alignment. Mr. Balian highlighted the construction map of the City of Azusa and indicated that heavy

construction is happening in Azusa. Mr. Balian highlighted the installation of retain wall walls at the Citrus Avenue and Palm Avenue bridges; construction of bridge abutments and MSE wall installation at the Foothill Blvd. bridge and the installation of CMU block walls at the Virginal Ave. crossing. Mr. Balian highlighted construction activities in the City of Irwindale. Mr. Balian highlighted the demolition of bridge piers at the San Gabriel River bridge. Mr. Balian highlighted construction activities in the City of Duarte. Mr. Balian highlighted the pouring of the station platform walls at the Duarte station. Mr. Balian highlighted construction activities in the City of Monrovia which included utility relocation at the California Ave crossing and the staking out of foundations at the Monrovia station. Mr. Balian highlighted construction activities at the Gold Line Operations Campus which included trenchwork for electrical conduits, duct banks, storm drains and installation of water line. Mr. Balian highlighted construction activities in the City of Arcadia which included demolition of the existing structure at the Santa Anita Wash bridge; underground utility installation at the Arcadia station; water relocation at the Colorado Blvd bridge and the groundbreaking ceremony sponsored by the City of Arcadia at the Santa Anita Ave. Bridge. Mr. Balian also highlighted community outreach which included a presentation to the USC Masters Program; Glendora Earth Day; Elected Reps meeting and the CMAA Breakfast of Champions update.

6. Consent Calendar

- a. Adoption of Pasadena to Azusa Fiscal Year 2014 Operating Budget**
(Finance Committee)
- b. Adoption of Azusa to Montclair Project Budget** *(Finance Committee)*
- c. Adoption of Metro Gold Line Foothill Extension Construction Authority Financial Plan – Revision 9** *(Finance Committee)*
- d. Approval of Amendment No. 7 to Contract No. C1133 for Azusa to Montclair Consulting Services Agreement for NEPA and CEQA Clearance**
(Finance Committee)
- e. Approval of Revisions to Employee Policy Manual** *(Management & Personnel Committee)*

Chairman Tessitor presented the Consent Calendar for approval. Board Member Fasana requested that Agenda Item 6.a. be pulled for discussion.

Board Member Leon made a motion to approve the remainder of the Consent Calendar; Board Member Fasana seconded the motion, which was then approved unanimously.

Board Member Fasana indicated that on page 4 of the report that indicates that there is a 10 percent combined Cost of Living Adjustment and merit increases and that the COLA is set by Board action. Board Member Fasana indicated that he felt that 10 percent was far to be high to be set in the budget and that it should be lowered to something like 3 percent. Mr. Fasana indicated that if the Board was in agreement that he would be willing to vote for this item.

Mr. Balian clarified that the 10 percent is a combination of both COLA and potential merit.

Board Member Fasana indicated that even so, he thought the rate was too high with what has been happening in the economy. Board Member Fasana indicated that he was appreciated of the hard work that the staff does but there are people at Metro that have not received a merit award and there are some that have. Board Member Fasana also indicated that Metro employees have also not received a COLA increase in several years and that many of the cities have not awarded them as well.

Mr. Balian indicated that as we have discussed this in the past, that Metro and other agencies as well as cities, increases are provided by moving people into other titles or positions. Mr. Balian indicated that the Construction Authority is a staff of 14 people and there is little ability to do that and that is why the original formula of 10 percent was established by the Board.

Chairman Tessitor indicated that if this was approved as written it does not obligate the Authority to make any specific increases but it does give the flexibility to take care of the staff appropriately. Chairman Tessitor also indicated that he is not concerned about what other agencies are doing or what limits they may have – the Construction Authority is a unique agency and we need to consider our employees and make our own decisions.

Board Member Leon indicated that while he agreed with Mr. Fasana generally, he thinks like Chair Tessitor that the Construction Authority is a different “animal” compared to cities and other agencies. Board Member Leon indicated that while he remains fiscally conservative, he is also aware of the need to retain and keep the talent of the staff of the Construction Authority. Board Member Leon indicated that the language does not commit to awarding a 10 percent to staff but provides the flexibility to do so.

Chairman Tessitor requested a motion on the item. Board Member Leon made a motion to approve which was seconded by Board Member Pedroza. Board Member Fasana indicated that he did not support the item and the item passed 4 vote in favor and one against.

7. General Board Items

- a. Consideration of Two Resolutions of Necessity of the Metro Gold Line Foothill Extension Construction Authority, Declaring Certain Real Property Interests, Identified as Portions of Los Angeles County Assessor’s Parcel Numbers 8513-012-029 and 8528-005-024, Necessary for Public Purposes and Authorizing the Acquisition Thereof, for Public Transit Purposes**

Chairman Tessitor requested Ms. Regina Danner to provide the report.

Ms. Danner indicated that staff was seeking the adoption of one Resolution of Necessity to acquire a property located on the east side of Buena Vista Street, North of Duarte Road. Ms. Danner indicated that the property is owned by the Pasadena Tournament of Roses Association. Ms. Danner indicated that in this circumstance that staff is seeking to acquire two portions of the property. Ms. Danner indicated that the larger portion of property off of Buena Vista is 1,641 feet and is being sought for sidewalk reconfiguration purposes and ADA compliance. Ms. Danner indicated that the other portion of property is 845 square feet and is being sought for track bungalow purposes which house signaling equipment.

Ms. Danner indicated that in order for the Board to adopt the Resolution of Necessity, the Board must make four findings; that the Board has determined that the public interest and necessity are required by the project; that the project is planned and located in the manner that is most compatible with the greatest public good and the least private injury that the property interests sought to be acquired are necessary for the project; and that an offer has been made to the owners of record in compliance with government code section 7267.2. Ms. Danner indicated that the staff report as presented set for the facts which support each of those findings. Ms. Danner requested that the staff report as well as the documents referenced in the staff report be included in the record. Ms. Danner indicated that in addition, that the property owner's legal counsel has submitted written objections to the adoption of the proposed resolution and they are included in the record as well.

Board Member Fasana indicated that the staff reports refers to an additional property and was inquiring as to the status of the property or if it was to be discussing later or deferred. Ms. Danner indicated that staff is recommending continuing the item to a future Board meeting should it be necessary.

Chairman Tessitor inquired if there were any member of the public who wish to be heard on this item. Chairman Tessitor hearing and seeing none, closed public comment.

Board Member Fasana made a motion to approve the item as discussed in the staff report and per the findings discussed by Counsel. Board Member Pedroza seconded the motion.

General Counsel Estrada indicated that to have a clear record and that since two resolutions were listed in the staff report that Board Member Fasana motion is with respect to Board Resolution 2013-R-06.

The Clerk of the Board conducted a roll call vote and the item passed unanimously with one abstention by Board Member Reyes.

b. Receive and File Project Update Report: Fences, Retaining Walls and Sound Walls

Mr. Balian introduced Tanya Patsaouras who provided the report. Ms. Patsaouras indicated that with regards to fencing Metro uses a standard wire coated mesh along the alignment and a standard metal picket fence at station areas. Ms. Patsaouras indicated that the fencing will be 8 feet tall and will be either black or brown. Ms. Patsaouras indicated that with regard to retaining walls, Metro uses a Mechanically Stabilized Earth (MSE) system which looks like concrete blocks. Ms. Patsaouras referenced a piece of the MSE in the Board Room for visual reference. Ms. Patsaouras indicated with regard to Sound walls that environmental studies determine the location and heights based upon FTA impact criteria. Ms. Patsaouras indicated that sound wall heights can vary from 3'7; to 8' (from top of rail). Ms. Patsaouras indicated that sound wall are located approximately 10'6" from the center of the track. Ms. Patsaouras indicated that there will be approximately 16,000 feet of acoustical sound walls along the alignment. Ms. Patsaouras indicated that are various option for soundwalls such as metal and concrete. Ms. Patsaouras indicated that the metal sound wall structures can be in a stackable rail and or with perforations which absorbs sound. Ms. Patsaouras indicated that Arcadia and Azusa have selected the perforated metal sound walls. Ms. Patsaouras also indicated that Monrovia have chosen to have precast concrete panels with a fractured fin fish and a 12" recessed cap. Ms. Patsaouras indicated that Duarte has chosen to have a precast concrete panel with patterned fractured fin finish and a 12" cap with reveal. Ms. Patsaouras indicated that Irwindale does not have any sound walls.

Chairman Tessitor inquired if they sound walls will have a graffiti coating. Ms. Patsaouras indicated that the metal sound walls come with graffiti coating and the concrete walls must have a coating applied to them.

Item received and filed.

c. Consideration of Expenditure Plan for Metro Gold Line (Pasadena to Montclair) Light Rail Transit Extension in accordance with subdivision (f) of Section 130350.5 of the Public Utilities Code

Mr. Balian indicated that staff has prepared an updated Expenditure Plan in accordance with the PUC code. Mr. Balian indicated that Metro is planning on presented an updated Measure R Expenditure Plan which keeps the funding for projects in place for planning purposes. Mr. Balian indicated that Metro has agreed to provide an additional 36 million dollars for Phase 2B planning under their proposed Expenditure Plan. Mr. Balian indicated that staff is forwarding the new Expenditure Plan to Metro to reflect the entire cost of the project as defined in Measure R and as required per the PUC Code.. Mr. Balian indicated that revised Expenditure Plan updates the original figure of \$758 million for Phase 2A to include the total costs of the entire project from Pasadena to Montclair of \$1.7 million. Mr. Balian indicated that there is a \$55 million portion

which is not included in the Expenditure Plan for Claremont to Montclair segment which is reference in the footnote. Mr. Balian indicated that the revised Expenditure Plan updates other minor adjustments which includes as 2022 opening in Montclair.

Board Member Fasana inquired if there have been any further discussions since the Assemblymember Holden meeting where this issue arose. Mr. Balian indicated that this was a follow-up to that meeting.

Chairman Tessitor requested a motion to approve the item. Board Member Pedroza made a motion to approve the item which was seconded by Board Member Fasana and the motion passed unanimously.

d. Authorize the Chief Executive Officer to Release Request for Qualifications for Advanced Conceptual Engineering for the Azusa to Montclair Project

Mr. Balian presented the report. Mr. Balian indicated that with the certification of the Phase 2B EIR, staff is seek to issue an RFQ to seek potential bidders for NEPA-related work and advanced conceptual engineering for the Azusa to Montclair extension of the project. Mr. Balian indicated that the RFQ would be released in the Fall and is expected to be complete in two years after the award of the contract.

Chairman Tessitor requested a motion to approve the item. Board Member Pedroza made a motion to approve the item which was seconded by Board Member Fasana and the motion passed unanimously.

e. Consideration of Senate Constitutional Amendment (SCA) No. 4 (Sponsors: Liu/Pavley/Bonilla) as amended March 19, 2013

Mr. Balian presented the report. Mr. Balian indicated that Senator Liu is proposing an amendment to lower the voter threshold to 55 percent for special tax measures by local governments. Mr. Balian indicated that staff has worked with the author to have an amendment included that would ensure that any initiative that was passed under the prior super-majority voting must be completed before the lower voter threshold projects can be completed.

Board Member Larramendi indicated that at a meeting this morning for the Lower Water District Board, Senator Liu's office presented this to the group. Board Member Larramendi indicated that there were concerns over what the definition of "completion" means. Board Member Larramendi indicated that Metro has taken the position that "completion" means when the money that was initially allocated under Measure R has been expended that the project is completed. Board Member Larramendi indicated to Senator Liu's office that Metro's interpretation was incorrect and that the word "completion" need to be further defined. Mr. Balian indicated that if the SGV partnership is able to work with Senator Liu's office to provide further clarification that would be helpful.

Mr. Balian indicated that the current project has definition of going to Claremont so unless it gets there, it is not complete. Mr. Balian also indicated that it is early in process and there will be continued discussions with the author and others.

Board Member Fasana indicated that Metro has not taken a position on this item yet and it may be useful to have a discussion with Metro to explain our position.

Board Member Pedroza indicated that he would support the amendment in its current form and suggest containing working with the author and others to see if additional changes can be made.

Chairman Tessitor requested a motion on the item. Board Member Pedroza made a motion to approve the item which was seconded by Board Member Fasana and the motion passed unanimously.

f. Receive and File Report on Monthly Project Update

Mr. Balian introduced Gary Baker to provide the report. Mr. Baker indicated that with regard to Phase 2A of the project, that construction has been completed at the Highland Avenue crossing and there is continuing construction at the Dalton Avenue grade crossing; start of construction at California grade crossing; continued foundation work for new buildings and site utility work at GLOC; continued work on Citrus, Palm, Foothill and Colorado Bridges; continued rail demolition and clearing and grubbing along the alignment; start of construction at the San Gabriel River Bridge; completed mass grading in Segments 3 & 4; completion of 77 of 82 AFC packages; continued construction of structural elements at Duarte station and completed excavation at Monrovia station; completion of mass grading in Segment 1; and that FTC has reported 118,000 total work hours performed with 0 recordable injuries reported. Mr. Baker reviewed the status of the DB2 (Phase 2A alignment) design process alignment project-wide and by segment. Mr. Baker reviewed the status of the bridge design process. Mr. Baker reviewed the status of the Phase 2A project schedule. Mr. Baker updated status of the DB3 (Intermodal Parking Facilities) contract. Mr. Baker reviewed upcoming activities for the next three to four months.

Item received and filed.

8. General Counsel's Report

General Counsel Estrada provided a summary recent activities which include ongoing general counsel activities, CEQA activities and property acquisitions including related litigation matters.

9. Board Member Comments

Chairman Tessitor welcomed Mayor Leon as a new member of the Board.

Board Member Leon thank the Board members and indicated his excitement in moving this project forward.

10. Closed Session

General Counsel Estrada reviewed the various items that would be considered in Closed Session and indicated that there would be no reportable action after Closed Session. Chairman Tessitor recessed the Board into Closed Session at approximately 8:13 PM.

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

- (i) Property 8507-005-018
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Theresa Magno Trust, Gaetano Tony Magno, and Natalie Magno-Villa
Under Negotiation: Price and Terms
- (ii) Property 8528-011-022
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: S.C. Investments of Duarte
Under Negotiation: Price and Terms
- (iii) Property 5773-002-031
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: B-1 & B-2 Rosenberg, Trustees
Under Negotiation: Price and Terms
- (iv) Property 8513-002-054
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Service Corp International of Calif.
Under Negotiation: Price and Terms
- (v) Property 5773-005-027
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Frank & Judith Tucker, Curtis Walker
Under Negotiation: Price and Terms
- (vi) Property 5775-022-036, 037, 038, 039 & 044
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: TF and TN, LP & Maclise/Robinson/Donaty
Under Negotiation: Price and Terms

- (vii) Property 5773-011-037
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Norma D. Link / David Link
Under Negotiation: Price and Terms
- (viii) Property 5773-006-057
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: DPP Arcadia LLC
Under Negotiation: Price and Terms
- (ix) Property 5773-011-039
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: NSD Investments Group
Under Negotiation: Price and Terms
- (x) Property 8507-006-032
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Valadez/Grant
Under Negotiation: Price and Terms

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

- (i) Metro Gold Line Foothill Extension Construction Authority v. MillerCoors LLC, et al.
Case No. BC497583
- (ii) Metro Gold Line Foothill Extension Construction Authority v. City of Monrovia, Monrovia Redevelopment Agency, et. al.
Case No. BC47600
- (iii) Metro Gold Line Foothill Extension Construction Authority v. Monrovia Redevelopment Agency, City of Monrovia, et al.
Case No. BC492940
- (iv) City of Pomona, a California Charter City v. Metro Gold line Foothill Extension Construction Authority
Case No. BS142413
- (v) Metro Gold Line Foothill Extension Construction Authority v. William Lee; Susan K. Lee; Sophia C. Sun, Margarita Maranjian; Armen Soghomonian; et al
Case No. BC502466

Chairman Tessitor reconvened the Board Meeting at 8:47 pm and indicated that there were no reportable actions.

11. Adjournment

The Board Meeting was adjourned at approximately 8:48 pm.