

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

**April 23, 2014
7:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 7:16 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>Vice Chair</i>	SGVCOG	X	
Vacant	City of Los Angeles	—	—
Paul Leon	City of South Pasadena	X	
John Fasana	LACMTA	X	
<i>Non-Voting Members</i>			
Carrie Bowen	Governor of California	X (7:28)	
Bill Bogaard	City of Pasadena		X
Daniel Evans	City of South Pasadena		X
Alan Wapner	SANBAG		X
<i>Alternate Members</i>			
Marisol Salguero	City of Los Angeles		X
Mary Ann Lutz	SGVCOG	—	—
Deborah Robertson	SANBAG	—	—

3. Pledge of Allegiance

Chris Burner led the Pledge of Allegiance.

4. Public Comments on Items On/Off Agenda

Chairman Tessitor inquired if there were any members of the public who wish to provide 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 the completion of work on Myrtle Ave. ahead of schedule. Mr. Balian indicated the Foothill Bridge would be completed by May 2014. Mr. Balian indicated that the San Gabriel crossing would be

in May 2014. Mr. Balian indicated that work on the Virginia and Magnolia crossings would be completed by July 2014. Mr. Balian indicated that work continues on Huntington bridge with expected completion in August 2014 and completion of light rail track in September 2014. Mr. Balian indicated the current estimates for the Mountain Ave. crossing would have work being in May and being completed in December. Mr. Balian indicated that first powered train test would occur in December.

Mr. Balian reviewed the Substation Schedule (TPSS). Mr. Balian indicated that Metro has proposed various dates for the delivery to the TPSS' and if there is continued delayed from Metro, there could be potentially serious impacts.

The Board was presented with a video which indicated the work and impacts during construction at Myrtle Avenue as well as the mitigation measures undertaken by the Construction Authority. Mr. Balian presented a video which highlighted ongoing work on the alignment. Also in the video, Mr. Balian highlighted work in the City of Azusa which included installation of protective safety shorting for utilities at Virginia Ave.; ongoing construction of the Foothill Boulevard LRT bridge walls; and installation of the ballast retainer on the bridge. Mr. Balian highlighted work in the City of Irwindale which included construction the station platforms; duct bank construction; and excavation for the Irwindale parking structure retaining wall. Mr. Balian highlighted work in the City of Duarte which included construction of the Duarte Station canopy and SCE utility installation at Mountain Ave. Mr. Balian highlighted work in the City of Monrovia which included review on the construction at Myrtle Ave.; installation of track switch equipment West of Mountain Ave.; construction of the Monrovia station parking facility; and closure of Magnolia Ave for grade crossing construction. Mr. Balian highlighted work at the Gold Line Operation Campus in the City of Monrovia which included the erection of structural steel at the Main facility building. Mr. Balian highlighted work in the City of Arcadia which included the concrete pour at the Arcadia station parking structure and ballast regulation at the I-210 median. Mr. Balian also highlighted ongoing meetings and site visits which included Duarte Mayor Liz Reilly at the Mountain Ave. crossing; a project tour with the JPA members; and a community meeting regarding the Mountain Ave and Magnolia Ave closures.

6. Consent Calendar

- a. Approval of Minutes of Board Meeting held March 26, 2014**
- b. Approval of Caltrans Work Authorization to support the Phase 2A through FY 2015**

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

7. General Board Items

- a. **Consideration of Adoption of Resolutions of Necessity for the Acquisition by Eminent Domain of Real Property, consisting of a portion of the fee simple interest in the real property located at 819 West Sixth Street, Azusa, California, and further identified as Los Angeles County Tax Assessor's Parcel Number 8616-003-013, for public purposes, namely for public transit purposes**

Chairman Tessitor indicated that consideration of Resolution 2014-R-01 for Adoption of a Resolution of Necessity for the acquisition by eminent domain of certain real property, located at 819 West Sixth Street in the City of Azusa and further identified as Los Angeles County Tax Assessor's Parcel Number 8916-003-013, for public purposes, namely for public transit purposes and requested Ms. Gina Danner, Special Counsel to provide the report.

Ms. Danner indicated that staff is seeking to acquire the fee simple interest in a portion of the real property located at 819 West 6th Street in the City of Azusa, also identified as a portion of Los Angeles County Tax Assessor's Parcel Number 8616-003-013. Ms. Danner indicated that the interest sought to be acquired consists of a 606 square foot portion of the above-described real property will be used for an access road as part of the Project.

Ms. Danner indicated that the Authority has attempted to negotiate with the property owner, however, the consummation of the voluntary acquisition of the Subject Property Interest has not been completed. Ms. Danner indicated that the proposed property is needed for public transit purposes for the Metro Gold Line Foothill Extension.

Chairman Tessitor requested further detail as to the proposed need for the property. Ms. Danner indicated that there is an access road along the right-of-way to allow service to the TPSS and the proposed property is the remaining parcel need to complete the access road to the TPSS.

Chairman Tessitor inquired if there was anyone who wished to provide public comment on this item. Chairman Tessitor seeing no members of the public who wished to provide public comment, closed the public comment portion on this item.

Chairman Tessitor inquired if any of the Board Members had any questions for Ms. Danner or would like to make a comment.

Chairman Tessitor requested a motion to approve Resolution No. 2014-R-01 regarding LA County parcel number 8616-003-013. Board Member Fasana made a motion which was seconded by Board Member Pedroza.

Chairman Tessitor requested a roll call vote be conducted by the Clerk.

The Clerk of the Board conducted a roll call vote and the item passed unanimously by a vote of five (5) to zero (0) with no person absent.

b. Approval of Sponsorship of Proposed Legislation (AB 2574 Rodriguez) Authorizing the Extension of the Gold Line to Ontario, and Declaration of No Imposition of State Mandated Cost

Mr. Balian presented the item. Mr. Balian indicated that Assemblyman Freddie Rodriguez had recently introduced legislation to extend the current terminus of the Gold Line Foothill Extension to Ontario Airport instead of Montclair – AB 2574. . Mr. Balian indicated that the Assemblyman has requested that the Board provide a position of support for the legislation.

Mr. Balian indicated that staff has tried to secure a meeting the Ad Hoc Committee with Mr. Wolfe and have been unsuccessful. Mr. Balian indicated that the Ad Hoc Committee meet and proposed some additional modifications to the language of the bill to provide additional protections for SANBAG that had been raised earlier and recommending approval to the Board. Mr. Balian indicated that meeting have been held in Sacramento between Assemblyman Rodriguez and Assembly Transportation Chair Lowenthal and provided additional language on the bill. Mr. Balian indicated that Assembly member Rodriguez has circulated the new proposed language to the parties involved and staff has not been made aware of any feedback from SANBAG. Board Member Fasana inquired if SANBAG representatives were present at the meeting to which Mr. Balian indicated that they were present.

Mr. Balian introduced Mitch Purcell, Chief Contracting Officer and In-House Counsel, who reviewed the various changes to the proposed legislation.

Board Member Fasana has indicated that Metro currently has recommended an oppose position to the legislation, but it is possible that with the most recent changes there may be a change in the Metro position to “work with author”.

Board Member Pedroza indicated that it is important to work with the Author of the legislation to make sure that all parities issues are addressed.

Mr. Balian reviewed a schedule to show the length of time that is needed to start construction once the planning effort has started for these types of projects. Mr. Balian indicated that approximately 16 years would be need to have everything in place to start construction. Mr. Balian indicated that as an example, the planning effort for Phase I of the Gold Line from Los Angeles to Pasadena started in the 1980's and the first train was on the tracks in 2003.

Board Member Fasana indicated that it important that continued outreach be made to SANBAG to continue the dialogue and make progress or at least get a clear direction.

Board Member Fasana indicated his support of the revised language as presented to the Board (see below)

Proposed Statutory Protections for SANBAG and MTA:

(A) With respect to the portion of the project on the right-of-way owned by the San Bernardino Associated Governments, the LACMTA'S AUTHORITY TO OPERATE THE PROJECT SHALL BE CONTINGENT UPON THE APPROVAL of the board of directors of the San Bernardino Associated Governments, acting as the county transportation commission, through approval of an operations and maintenance agreement with the LACMTA.

(B) The operations and maintenance agreement shall provide that the San Bernardino Associated Governments reimburse the LACMTA for the costs of operating that portion of the line located in the County of San Bernardino.

(C) PRIOR TO THE COMMENCEMENT OF CONSTRUCTION of the portion of the project in the County of San Bernardino, THE AUTHORITY SHALL ENTER INTO A CONSTRUCTION AGREEMENT with the San Bernardino Associated Governments, acting as the county transportation commission.

Proposed 132412:

“The Authority may undertake planning activities and environmental review for a potential extension of the project to the LA/Ontario International Airport. Solely for purposes of PUC Section 132410(b)(B)(vi), the City of Ontario shall be considered an ‘extension city’. Nothing in this section shall be construed to change the meaning of the term ‘project’.”

Board Member Leon indicated that the underlying important factor is what the people of San Bernardino and Los Angeles County need and want and not the political battles.

Chairman Tessitor requested a motion to approve the revised language to AB 2574. Board Member Fasana made a motion to approve the item which was seconded by Board Member Pedroza and was approved unanimously.

c. Receive and File Report on Project Update: Project Testing

Mr. Balian introduced Chris Burner, Chief Project Officer to provide the report. Mr. Burner indicated Project Testing involves testing program to ensure properly functioning traction electrification, signaling, and communications systems. Mr. Burner indicated that the Testing program includes Factory Acceptance Testing (FAT); Local Field Acceptance Testing (LFAT); Systems Integration Testing (SIT) which has two phases; and System Performance Demonstration (SPD) test. Mr. Burner indicated that there are various Project Testing Types including FAT for testing of assemblies and subsystems in assembly plant prior to

shipment to project jobsite; LFAT for testing and verification of systems operation once installed on the project; Systems Integration Testing (SIT) which is completed prior to Substantial Completion (SC) and verifies installed systems and interface points operate together properly. Mr. Burner review the Testing Schedule Coordination between the Design Builder; Construction Authority Staff and Metro.

Board Member Bowen inquired if the local schools are contacted during this process. Mr. Balian indicated that they do as well as to other various stakeholders.

Item received and filed.

d. Award of Phase 2B Engineering and NEPA Support Services Contract

Mr. Balian provided the report. Mr. Balian indicated that an RFP was issued in January and four responses were received by staff. Mr. Balian indicated that an evaluation committee reviewed the submissions and were evaluated based upon: (1) Qualifications, Related Experience, and Financial Stability; (2) Staffing and Personnel / Team Organization; and (3) Project Understanding, Plan, and Approach with point values assigned to each category. Mr. Balian indicated that the evaluation committee scored AECOM with highest point total.

Mr. Balian indicated the contract proposed with AECOM is for Engineering and NEPA Support Services from Azusa to Montclair. Mr. Balian indicated that contract with AECOM would assist the Authority to develop advanced conceptual engineering for the Azusa to Montclair segment, (ii) to assist the Authority with any necessary additional CEQA analysis and possible new DEIS/FEIS document, and (iii) help the Authority produce certain environmental documentation including obtaining certification pursuant to the National Environmental Policy Act for such segment.

Board Member Bowen inquired if the work is just for a NEPA document and not to do a CEQA document. Mr. Balian indicated that a CEQA document has already been completed.

Chairman Tessitor requested a motion to approve the Award of Phase 2B Engineering and NEPA Support Services Contract to AECOM. Board Member Salguero made a motion to approve the contract award to AECOM which was seconded by Board Member Leon and approved unanimously.

e. Receive and File Monthly Update

Mr. Balian introduced Chris Burner to prove the report. Mr. Burner reviewed the Phase 2A Progress - work at Arcadia, Monrovia, Duarte, Irwindale, Azusa-Downtown and Azusa-Citrus stations continue; the Myrtle grade crossing was completed; continued construction of grade crossings at San Gabriel and Virginia, and started construction of Magnolia crossing; continued bridge work at

Foothill and Huntington; continued steel girder repair at Rosemead; continued installation of underdrain and sub-ballast throughout project; continued light rail mainline track placement; continued construction of retaining walls (95% complete) and sound walls (65% complete) throughout the alignment; continued mainline OCS pole installation and foundation work; continued OCS pole installation at Gold Line Operations Campus (Campus); continued car wash foundation/slab forming and reinforcements at the Campus; continued trackwork at the Campus; and continued structural steel work at the Main Shop Building in the Campus. Mr. Burner reviewed in detail the current Project Schedule.

Mr. Burner reviewed the current activities with regard to the Parking Facilities. Mr. Burner indicated that there was continued construction of Arcadia and Monrovia parking facilities. Mr. Burner indicated that in Arcadia, that ongoing work included continued reinforcement and concrete placement for parking structure columns, elevator pit walls, CMU exterior walls for electrical room as well the start of placement of concrete for slab on grade. Mr. Burner indicated that in Monrovia. That ongoing work included continued reinforcement and concrete placement for parking structure columns, elevator pit walls, and shear walls; start of site construction for the Irwindale and Azusa-Citrus parking structures. Mr. Burner indicated that with regard to the TPPS structures, that the Michillinda and Soldano TPSS sites are completed and that properties have been transferred to FTC.

Mr. Burner indicated that future activities over the next three to four months include complete trackwork at the Campus; complete construction of bridges at Foothill, Kincaid, Huntington, and Rosemead; complete San Gabriel, Virginia, and Magnolia crossings, and begin Mountain crossing; complete construction of all stations (except architectural elements); complete OCS foundation installation and complete mainline LRT trackwork construction.

Item received and filed.

8. General Counsel's Report

None.

9. Board Member Comments

Board Member Leon indicated that he had recently provided an update to the Kiwanis Club in Ontario and they are excited about the prospect of the Gold Line coming to Ontario.

Board Member Fasana inquired with all the civil work and property acquisition in either an advance state or near completion, what the status of the contingency budget on the project is. Mr. Balian indicated that the risk register is shrinking quickly and will do so more dramatically in the next 6 month. Mr. Balian asked Crandal Jue, Chief Financial Officer to provide a status on the contingency budget. Mr. Jue indicated that currently there is \$14 million in contingency for the Phase 2A Alignment work for change orders,

etc.; \$8 million in contingency for the Maintenance and Operation Campus and \$15.5 million in reserve.

Board Member Fasana inquired how much is expected in change orders to be charged against those dollars. Mr. Balian indicated approximately \$10 million in change orders is known as of now.

Mr. Balian indicated that this is exactly where a project would like to be at this stage in construction.

Board Member Bowen inquired what risk register confidence percentage at this point. Mr. Burner indicated that it is at approximately 80-90% with the majority of the risk is behind the project.

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 8:10 pm.

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

- (i) Property 8616-003-014
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Famela Domantay, Edelyn Domantay Brown
Under Negotiation: Price and Terms
- (ii) Property 8616-003-013
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Janet L. Lopez, Janet L. Lopez Trust
Under Negotiation: Price and Terms

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

- (i) Field Myrtle Oil, Inc. v. Foothill Transit Constructors, SKANSKA Community Liaison, Metro Gold Line Foothill Extension Construction Authority, et al. Case No. BC539314
- (ii) Metro Gold Line Foothill Extension Construction Authority v. MillerCoors LLC, et al. Case No. BC497583

- (iii) Metro Gold Line Foothill Extension Construction Authority v.
Ernest Paul Mnoian, et al.
Case No. BC502465
- (iv) Metro Gold Line Foothill Extension Construction Authority v.
223 North First Street I, LLC, et al.
Case No. BC531266

11. Adjournment

The Board Meeting was adjourned at approximately 8:44 pm.