

**Metro Gold Line Foothill Extension Construction Authority Board Meeting  
Arcadia City Council Chambers  
240 West Huntington Drive  
Arcadia, California 91007  
August 10, 2011  
7:00 P.M.**

**1. Call to Order:**

Chairman Tessitor called the meeting to order at approximately 7:07 PM.

**2. Roll Call:**

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

**3. Pledge of Allegiance**

Sam Pedroza led the Pledge of Allegiance.

**4. Public Comments on Items On/Off Agenda**

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

Mr. Christopher Sutton addressed the Board. Mr. Sutton introduced himself as counsel for George and Diana Brokate and Excalibur Properties and indicated that he and his client would continue to monitor action of the Board. Mr. Sutton objected to the use of eminent domain for his client's property. Mr. Sutton also indicated objections to the selection of the Maintenance and Operation facility and the Environmental Alternative Analysis.

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 of the Construction Authority including IFS construction; the award of the Design Build Contract; ongoing technical meetings with stakeholders and tours of the Gold Line to community.

Mr. Balian reviewed various critical path items including various agreements, the acquisition of the M&O properties, award of the DB2 award, Caltrans MCA completion, grade-crossing approvals and various other items.

## **6. Consent Calendar**

- a. Approval of Minutes of Special Board Meeting held July 5, 2011**
- b. Approval of Minutes of Board Meeting held July 13, 2011**

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

## **7. General Board Items**

- a. Receive and File Report on Project Update: Systems**

Mr. Balian introduced Chris Burner who provided a presentation. Mr. Burner indicated that the systems elements will provide safety, security and operational functionality to the operating railroad. Mr. Burner indicated that various components of the systems elements include traction electrification system; signaling system; communications system; fare collection system and central control. Mr. Burner reviewed in further detail the various components of the system elements.

Board Member Tessitor inquired if Wi-Fi would be available. Mr. Burner indicated that Metro would be responsible for that but believed that hot-spots and cellular networks would provide access to at-grade systems but below-grade systems such as the Redline present some security concerns.. Board Member Fasana indicated that Metro has continued to review the availability of Wi-Fi and cell phone availability on below grade systems but still present a significant security risk.

Item received and filed.

- b. Authorize the CEO to Execute Contract Amendment Three with San Bernardino Association of Governments (SANBAG)**

Mr. Balian provided the report. Mr. Balian indicated that in SANBAG and the Construction Authority wish conduct Alternatives Analysis (AA) for the extension of the Gold Line Light Rail Line From Montclair to the Ontario International Airport Mr. Balian indicated that Amendment No. 3 to the Agreement would allow for the \$2.5 M Alternatives Analysis to begin once fund sources from the relevant Agencies and Cities in the area have been secured.

Board Member Fasana inquired about the allocation of relevant funding sources and making sure that the funding sources are secured before proceeding with the study. Mr. Balian indicated that the Amendment would not be executed until such time that funds had been secured.

Board Member Pedroza inquired how long the study would take once the Agreement is executed. Mr. Balian indicated it would take approximately 15 months.

Chairman Tessitor requested a motion to Authorize the CEO to Execute Contract Amendment Three with San Bernardino Association of Governments (SANBAG) upon evidence of securing funding. Board Member Hanks made a motion to approve the item. Board Member Fasana seconded the motion which was then approved unanimously.

**c. Approval of Revised Fiscal Year 2012 Operating Budget - Phase II**

Mr. Balian provided the report. Mr. Balian indicated that due increased activity relative to the M&O legal service budget an increase from \$1,000,000 to \$3,000,000 was being requested by staff. Mr. Balian indicated that the increase in the M&O legal services budget would be achieved by re-allocating funds in other areas within the Operating Budget.

Chairman Tessitor requested a motion for Approval of Revised Fiscal Year 2012 Operating Budget - Phase II. Board Member Hanks made a motion to approve the item. Board Member Pedroza seconded the motion which was then approved unanimously.

**d. Approval of Amendment No. 5 to Contract No. C1139 for Real Property Acquisition Legal Services**

Mr. Balian provided the report. Mr. Balian indicated that an increase of \$200,000 was being requested for Lewis Brisbois Bisgaard & Smith LLP ("LBBS") who have been providing real property acquisition legal service relative to the M&O facility.

Chairman Tessitor requested a motion for Approval of Amendment No. 5 to Contract No. C1139 for Real Property Acquisition Legal Services. Board Member Fasana made a motion to approve the item. Board Member Pedroza seconded the motion which was then approved unanimously.

**8. General Counsel's Report**

None.

**9. Board Member Comments**

Board Member Hanks thanked staff for the recent tour of the IFS Construction site and encouraged fellow Board members to take advantage.

Board Member Pedroza thanks the Public Affairs staff for the recent tours for the Claremont Council and staff.

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 7:31 PM.

**10. Closed Session**

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

- (i) Property: 8513-012-043  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Hoffman Family Trust/Linsalato  
Under Negotiation: Price and terms
- (ii) Property: 8513-012-054  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Mark Charvat/ELS  
Under Negotiation: Price and terms
- (iii) Property: 8513-012-055  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Mountain Partners  
Under Negotiation: Price and terms
- (iv) 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
- (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: 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))

(i) 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.

(ii) 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 document entitled *Joint Objections to Gold Line's July 17, 2011 Agenda Items No. 5, 6, and 10.c and All Related Approvals* and related documents submitted by The Silverstein Law Firm, together with oral testimony from Robert Silverstein and Christopher Sutton on July 27, 2011 regarding those agenda items, there is a significant exposure to litigation against the Authority.

**11. Adjournment**

The Board entered Closed Session at 7:31 PM. General Counsel Estrada indicated that Board of Directors had authorized continued negotiations with Mountain Partners. There were no other reportable actions as a result of closed session and the meeting was adjourned at 9:07 pm.