

**Metro Gold Line Foothill Extension Construction Authority Board Meeting  
Arcadia City Council Chambers  
240 West Huntington Drive  
Arcadia, California 91007  
August 24, 2011  
7:00 P.M.**

**1. Call to Order:**

Chairman Tessitor called the meeting to order at approximately 7:02 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	
Vacant	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**

Michael Estrada 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 Excalibur Properties. Mr. Sutton provided comments on his objections to Assembly Bill 706 which had recently had been introduced into the Assembly relative to the Quo Warranto issue and other possible violations of law.

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 work; ongoing meetings with

stakeholders and community outreach activities.

Mr. Balian reviewed various critical path items including various agreements, the acquisition of the M&O properties, grade crossing approvals; San Gabriel River bridge permits and the SEIR legal challenge.

## **6. General Board Items**

### **a. Receive and File Report on Stakeholders**

Mr. Balian introduced Chris Burner to provide the report. Mr. Burner provided a presentation. Mr. Burner indicated that the objective of Stakeholder Coordination is to maximize information sharing between agencies to identify possible issues of concern and possible solutions as early in the process as possible, and to minimize misinformation. Mr. Burner reviewed the Stakeholder Coordination activities which included bi-weekly meetings with staff from Phase 2A corridor cities and Metro as well as regular meeting with other stakeholders including the Army Corps of Engineers, Metrolink, BNSA, Caltrans and utilities companies. Mr. Burner that meeting with local fire life safety and security personnel and local school districts are held on an as-need basis.

Chairman Tessitor requested a motion to Receive and File Report on Stakeholders. 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 Report on Bus Interface Final Report**

Mr. Balian introduced Tanya Patsaouras to provide the report. Ms. Patsaouras indicated the Bus Interface Plan which commenced in late 2009 is nearing completion. Ms. Patsaouras indicated the objective of the study was to identify recommendation to improve bus, pedestrian and bicycle connection to future Gold Line stations. Ms. Patsaouras indicated that coordination meetings with Foothill Transit, Metro, corridor cities were conducted as well as input via surveys to possible impacted groups. Ms. Patsaouras also indicated that a series of Open Houses were held. Ms. Patsaouras indicated that the draft plan was released on the Construction Authority website in July for public review and the final report will be available on August 26, 2011. Ms. Patsaouras provided an overview of each of the locations and possible access routes for bus, bicycle and pedestrians.

Board Member Larramendi inquired about the availability of bicycle parking and lockers. Ms. Patsaouras indicated that a recommendation was being sent to Metro of 16 rental lockers and 20 racks per station.

Board Member Fasana indicated that reducing or eliminating rental fees for lockers would be beneficial. Board Member Fasana inquired if the Agencies that the recommendation were being provided to were receptive. Ms. Patsaouras indicated that in the coordination meetings with the Agencies, they were very receptive and were done in conjunction with the Agencies, but they are still recommendations and

need to be implemented.

Board Member Pedroza inquired if the LA County Master Plan for Bicyclist was taken into consideration in the Plan. Ms. Patsouras indicated that it is referred to in the Plan.

Ms. Patsouras indicated that the report will be available on the website along with interactive maps showing linkages.

Chairman Tessitor requested a motion to Receive and File Report on Bus Interface Final Report. Board Member Pedroza made a motion to receive and file the item. Board Member Hanks seconded the motion which was then approved unanimously.

**c. Monthly Project Status Report**

Mr. Balian introduced Mr. Burner to provide the report. Mr. Burner reviewed various items that are ongoing in Phase 2A including obtaining the 2 remaining grade crossing applications; award of the DB2 contract, IFS construction; executed MCA with Caltrans and finalized contract with IBI for advanced conceptual engineering of parking facilities. Mr. Burner provided an overview of the IFS Project Schedule.

Chairman Tessitor requested a motion to Receive and File the Monthly Project Status Report. Board Member Hanks made a motion to receive and file the item. Board Member Fasana seconded the motion which was then approved unanimously.

**7. General Counsel's Report**

None.

**8. Board Member Comments**

None.

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 7:29 PM.

**9. 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: 8531-017-022  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Peter & Yolanda Gutierrez  
Under Negotiation: Price and terms
- (iii) Property: 8531-017-021  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Javier & Micaela Sanchez  
Under Negotiation: Price and terms
- (iv) Property: 8528-015-051  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Cal-Am Water  
Under Negotiation: Price and terms
- (v) Property: 8533-009-023  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: MillerCoors LLC  
Under Negotiation: Price and terms
- (vi) Property: 8625-005-041  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Rosedale Land Partners LLC  
Under Negotiation: Price and terms
- (vii) 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

**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.

**10. Adjournment**

The Board entered Closed Session at 7:29 PM. General Counsel Estrada indicated that Board of Directors had authorized a certain counter-offers to real property parcels. There were no other reportable actions as a result of closed session and the meeting was adjourned at 8:15 pm.