

**Metro Gold Line Foothill Extension Construction Authority Board Meeting
 Construction Authority Offices, Conference Room
 Arcadia City Council Chambers
 240 West Huntington Drive
 Arcadia, California 91007
 March 23, 2011
 7:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 7:17 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

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. Chairman Tessitor recognized Mr. Robert Silverstein for Public Comment.

Mr. Silverstein thank the Board for the opportunity to speak to them. Mr. Silverstein indicated that he represented George Brokate and Excalibur Properties. Mr. Silverstein indicated that he had provided a copy of objection to the proposed Purchase and Sale Agreement with the City of Monrovia and the Monrovia Redevelopment Agency to the Clerk of the Board and would be filing additional litigation against the Construction Authority, Metro, City of Monrovia and the Monrovia Redevelopment Agency regarding the proposed sale of properties for the Maintenance and Operation Facility in Monrovia. Mr. Silverstein summarized his

objections to the proposed sale. Mr. Silverstein urged the Board to reject the proposed Purchase and Sale Agreement that was on the Agenda.

5. CEO's Monthly Report

Mr. Balian presented the report. Mr. Balian thanked the Board members who were able to attend the recent meetings in Washington DC. Mr. Balian presented a video which highlighted recent activities of the Construction Authority. Mr. Balian indicated that a Request for Interest for the possible development of the Monrovia Depot would be brought before the Board at the next regularly scheduled meeting. Mr. Balian also indicated that the Metro Board would be considering the Amendment to the Funding Agreement and is currently reviewing the Maintenance and Operation proposed budget. Mr. Balian indicated that an agreement in principal between Metro and BNSF had been reached and was awaiting signature. Mr. Balian indicated that Parsons Brinkerhoff continues work on NEPA/CEQA clearance for the Azusa to Montclair segment of the project and that Public Workshops had been scheduled for each of the cities.

6. Consent Calendar:

- a. Approval of Minutes of Board Meeting held March 9, 2011**
- b. Authorize CEO to Issue Request for Proposals (RFP) C1144 for Intermodal Parking Facilities Design Services**

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

7. General Board Items:

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

Mr. Balian introduced Lesley Elwood, Public Arts Manager to provide the report. Ms. Elwood indicated that the Authority received 65% submittal plans from Skanska in March. Ms. Elwood indicated that these plans include architectural features of the superstructure and are being reviewed by Authority, Metro and Caltrans staff. Ms. Elwood indicated that Skanska would provide the 95% submittal in late April 2011. Ms. Elwood indicated that the 65% submittal does not include landscape and lighting elements of the superstructure. Ms. Elwood reviewed various proposed landscape and design elements which use native drought tolerant sustainable plant materials and may integrate colored rock, tumbled glass and large boulders.

Chairman Tessitor requested a motion to receive and file the Report on Project Update: IFS Design. Board Member Fasana made a motion to receive and file the item. Board Member Bogaard seconded the motion. The Report on Project

Update: IFS Design was then approved unanimously

- b. Authorize the CEO to Execute the Purchase and Sale Agreement between the City of Monrovia and the Monrovia Redevelopment Agency and the Construction Authority for Purchase of Real Property located in Monrovia and the Public Improvement Agreements between the City of Monrovia and the Construction Authority**

Mr. Balian requested that the item be held until after closed Session. Chairman Tessitor agreed.

- c. Authorize CEO to Issue Letter to Caltrans Providing Indemnification for Hazardous Materials**

Mr. Balian introduced Chris Burner to provide the report. Mr. Burner indicated that Caltrans will be conducting design reviews and providing other support during the design and construction of the project. Mr. Burner indicated that Authority staff has worked with Caltrans staff to establish a mutually acceptable Master Cooperative Agreement (MCA) which has yet to be executed. Mr. Burner indicated that with the Iconic Freeway Structure (IFS) contract is progressing and construction is expected to begin in mid to late summer. Mr. Burner indicated that prior to construction, additional environmental investigation is necessary such as an Aerially Deposited Lead (ADL) survey. Mr. Burner that staff has worked with Caltrans to obtain an encroachment permit to perform the ADL survey but Caltrans has some concern that they will be held liable for work performed by the Authority. Mr. Burner indicated that Caltrans and the Authority have agreed to the indemnification language regarding hazardous material found in the attachment to the Board report, which would allow this work to continue on interim basis until an MCA is executed.

Chairman Tessitor requested a motion to Authorize CEO to Issue Letter to Caltrans Providing Indemnification for Hazardous Materials. Board Member Fasana made a motion to approve the item. Board Member Fasana seconded the motion. The item was then approved unanimously

- d. Monthly Project Status Report**

Mr. Balian introduced Chris Burner, Chief Project Officer to present the report. Mr. Burner reviewed various efforts that have been completed or that are underway including agreements executed with US Army Corp of Engineers and the City of Arcadia for work on the Santa Anita Bridge. Mr. Burner indicated that 13 of the 22 remaining CPUC applications have been submitted Mr. Burner indicated that preparation for the geotechnical report for the M&O facility was ongoing. Mr. Burner reviewed various items that would be addressed in the upcoming months including finalizing station parking facilities, CPUC grade crossing approvals, finalization of the BNSF agreement, an

agreement with County Sanitation Districts as well as various other items.

Item received and filed.

8. General Counsel Report

a. Request from MTA for Amicus Support in *Los Angeles County Metropolitan Transportation Authority v. Alameda Produce Market, LLC, et al*

General Counsel Estrada provided the report. Mr. Estrada indicated that Metro is looking to acquire property by an eminent domain process for the storage of buses. Mr. Estrada indicated that the trial court allowed the property owner to withdraw the full amount of compensation that had been deposited with the court, and then permitted the owner to challenge Metro's right to take the property. Mr. Estrada indicated that this action is contrary to the statutory rule that withdrawal of the probable compensation deposited with the court acts as a waiver of all claims and challenges, except a claim for additional compensation. Mr. Estrada indicated that Metro was successful in the Court of Appeals in overturning the trial court. Mr. Estrada indicated that the property owner has appealed the matter to the Supreme Court, which has granted review. Mr. Estrada recommended to the Board a letter in support of Metro's position on the matter.

Chairman Tessitor requested a motion to Support the Request from MTA for Amicus Support in *Los Angeles County Metropolitan Transportation Authority v. Alameda Produce Market, LLC, et al*. Board Member Pedroza made a motion to approved the item and Board Member Bogaard seconded the motion which was then approved unanimously

9. Board Member Comments

Vice Chair Pedroza thanked staff for a very successful Washington DC trip and look forward to continued discussion with the federal delegation.

Board Member Larramendi thanked staff for their efforts during the recent Washington DC trip and indicated that comments from the APTA group were very supportive for light rail.

Chairman Tessitor indicated that member of the federal delegation were very enthusiastic of the Foothill Extension project and were pleased with the unanimous local support for the project.

Chairman Tessitor adjourned the Regular Board Meeting and moved into Closed Session at approximately 7:54 PM.

10. Closed Session

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

- (a) Property: (1) 8513-012-911; 8513-012-912;
(2) 8513-012-909; (3) 8513-012-908;
(4) 8513-012-910

Agency Negotiator: Habib F. Balian and Wes Beverlin, Esq.
Negotiating Parties: Monrovia Redevelopment Agency
Under Negotiation: Price and terms
- (b) Property: 8507-010-019

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: Javier & Esmeralda Castaneda
Under Negotiation: Price and terms
- (c) Property: 8531-017-022

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: Peter & Yolanda Gutierrez
Under Negotiation: Price and terms
- (d) Property: 8531-017-021

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: Javier & Micaela Sanchez
Under Negotiation: Price and terms
- (e) Property: 8528-015-051

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: Cal-Am Water
Under Negotiation: Price and terms
- (f) Property: 8616-003-011

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: Ignacio Medina & Rosa Medina
Under Negotiation: Price and terms
- (g) Property: 8616-003-012

Agency Negotiator: Habib F. Balian and Regina Danner
Negotiating Parties: One West Bank
Under Negotiation: Price and terms

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

Excalibur Property Holdings, LLC and George Brokate v.
Pasadena Metro Blue Line Construction Authority
Case No. BS130732

Chairman Tessitor reconvened the Regular Board Meeting from Closed Session at approximately 8:42 PM.

Chairman Tessitor indicated that Agenda Item 7.b. would be considered at the next regularly scheduled Board Meeting and with regard to the remaining items on the Closed Session Agenda, there were no reportable actions.

11. Adjournment

Board Chairman Tessitor adjourned the meeting at 8:43 PM.