

**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**

**March 6, 2013  
 7:00 P.M.**

**1. Call to Order:**

Chairman Tessitor called the meeting to order at approximately 7:09 PM.

**2. Roll Call:**

<b>Member</b>	<b>Appointing Entity</b>	<b>Present</b>	<b>Absent</b>
<b><i>Voting Members</i></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><i>Non-Voting Members</i></b>			
Lara Larramendi	Governor of California	X	
Bill Bogaard	City of Pasadena	X	
Daniel Evans	City of South Pasadena	X	
Alan Wapner	SANBAG	X	
<b><i>Alternate Members</i></b>			
Gerry Miller	City of Los Angeles	—	—
Denis Bertone	SGVCOG	—	—

**3. Pledge of Allegiance**

Keith Hanks led the Pledge of Allegiance.

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

Chairman Tessitor inquired if there was anyone who wished to provide public comment on items on or off the Agenda. Chairman Tessitor indicated that he had received several public speaker cards regarding Agenda Item 8.a. and inquired if those individuals wished to address the Board now or during when the Agenda Item was presented. Chairman Tessitor hearing no requests to speak during public comment indicated that those members who had submitted public comment card would do so at the Item and hearing and seeing no others wishing to speak closed public comment.

**5. Recognition of Board Member Keith Hanks**

Chairman Tessitor presented Board Member Keith Hanks with a token of gratitude from the Construction Authority Board and the staff. Chairman Tessitor recognized Board Member Hanks for all his hard work to move the Foothill Extension forward. Chairman Tessitor recognized Board Member Hanks for his leadership and perseverance in the good time and the bad.

Board Member Hanks thanked the Board and the staff for the piece of rail line from the City of Azusa right-of-way. Board Member Hanks indicated that when he was first elected to the Azusa City Council, one of his top priorities was to represent the City on the JPA for transportation issues. Board Member Hanks recognized the leadership of Mayor Bogaard for proposing a governance structure for the Board of Directors as the project moved on from Phase I. Board Member Hanks expressed how satisfied he was as a member of the JPA and so appreciative to South Pasadena for allowing him to serve as a Construction Authority Board Member and truly thankful to his fellow Board members to allow him to serve as Chairman for two consecutive terms. Board Member Hanks thanked CEO Habib Balian for his steadfast leadership. Board Member Hanks recognized Chairman Tessitor for his wisdom and skills as the current Chairman of the Construction Authority. Board Member Hanks indicated his satisfaction at seeing the Foothill Extension under construction to Azusa and to helping in any way possible to completing the line to where it should be – Ontario Airport. The Board, staff and members of the public recognized Board Member Hanks with applause.

**6. CEO's Monthly Report**

Mr. Balian presented the report. Mr. Balian thanked Board Member Hanks again for his service and leadership.

Mr. Balian presented the critical path schedule. Mr. Balian indicated the start of freight track relocation in February; start of work at the California crossing and the San Gabriel river bridge. Mr. Balian indicated that substantial completion of all the design packages will be complete this month and that the start of light rail construction has already begun and will continue through Summer to the early part of Fall. Mr. Balian indicated that a big part of the project is the BNSF freight realignment which is approximately 3 miles of the shared corridor. Mr. Balian indicated that work is underway and that a significant portion of that work will be completed by the end of the year.

**7. Consent Calendar**

- a. Approval of Minutes of Board Meeting held February 13, 2013**
- b. Approval of Minutes of Board Meeting held February 27, 2013**

Chairman Tessitor presented the Consent Calendar for approval. Board Member Fasana made a motion to approve the Consent Calendar; Board

Member Reyes seconded the motion, which was then approved unanimously.

Mr. Balian indicated to the Chairman that he would like to request that the Board enter into Closed Session. Chairman Tessitor requested that the General Counsel indicate the purpose for the Board to enter into Closed Session. General Counsel Estrada that Board will recess into Closed Session to discuss Agenda Item 11.c. and will reconvene in public session to make any announcements that might be appropriate. Chairman Tessitor recessed the Board into Closed Session at approximately 7:22 PM and reconvened the Board at 8:02 pm. General Counsel Estrada indicated the Board is reconvening after Closed Session and that there is no reportable action.

## **8. General Board Items**

### **a. Consideration of a Resolution of the Metro Gold Line Foothill Extension Construction Authority certifying the Environmental Impact Report for the Metro Gold Line Foothill Extension from Azusa to Montclair; making environmental findings pursuant to the California Environmental Quality Act; adopting a Statement of Overriding Considerations; adopting a Mitigation Monitoring Program, and approving the Build Alternative for the Project**

Mr. Balian presented the report. Mr. Balian indicated that the Construction Authority started the Phase 2B EIR/EIS process in 2010. Mr. Balian indicated that during this process that staff has meet with cities to discuss the project; the needs and timing of the project to get it cleared and into construction. Mr. Balian indicated that in addition to discussions with Phase 2B cities, public meetings and outreach was conducted. Mr. Balian indicated that four public scoping meetings took place as part of the process in 2011. Mr. Balian indicated that additional meetings with the cities took place to understand the alignment, station locations and parking. Mr. Balian indicated that station planning workshops were conducted to help each of the cities understand not only the function of the railway but the station planning area and also any bus-rail interface that may potential be required and how that would work with the city's general planning. Mr. Balian indicated that these findings were presented to the cities in early Summer of 2011. Mr. Balian indicated that a draft EIR was published for a 45 day review period in the Summer of 2012. Mr. Balian indicated that staff received responses from each of the cities as well as others in response to the DEIR. Mr. Balian indicated that after reviewing the comments submitted, that staff published the EIR in February 2013 and is presented to the Board for consideration. Mr. Balian indicated that staff received 362 comments to EIR with approximately half coming from the cities, which was to be expected. Mr. Balian indicated that many of the issues raised where already know issues. Mr. Balian indicated that staff worked with our technical staffs to address all of the comments and questions that were raised. Mr. Balian indicated that staff reached out to each of the cities to discuss the issues and comments that had been received and to explain the Construction Authority's position.

Mr. Balian introduced Eugene Kim of Parsons Brinkerhoff who was the lead consultant on this project. Mr. Balian indicated that Mr. Kim would review the major concerns and themes of concerns that had been raised as well as any late written correspondence that had been received.

Mr. Kim provided some background information about Phase 2B of the Foothill Extension with regard to need, community support, and mobility benefits.

Mr. Kim indicated that each project has its own set of challenges and that Phase 2B of the Foothill Extension is no exception. Mr. Kim indicated that the objective of the team was discuss those challenges and issues and to strive towards a workable, reasonable set of solutions. Mr. Kim indicated that there were three primary challenges that have been present since the beginning of the project.

Mr. Kim indicated that the first challenge is the “north-south” challenge. Mr. Kim indicated that the Foothill Extension operates within an existing Metro-owned freight corridor. Mr. Kim indicated that within this corridor is the right-of-way that the project is to be built. Mr. Kim indicated that due to these facts that the project must be designed to take advantage of the right-of-way with two exceptions.

Mr. Kim indicated that to keep light rail cost effective it needs to be constructed at-grade. Mr. Kim indicated that Phase 2A of the Foothill Extension which is under construction is currently on the north side of the freight tracks in the corridor and Phase 2B inherits that condition. Mr. Kim indicated that there are existing customer in the middle of the Phase 2B study area on the north side of the tracks in the City of Pomona – which is also where the Metrolink Pomona station is. Mr. Kim indicated that as a result, Phase 2B must go to the South side to avoid a conflict in serving the existing freight rail customers and then return to the north side as we go east to Montclair. Mr. Kim indicated that they way to achieve this is with a “fly-over” structure. Mr. Kim indicated that they are basically a bridge that spans a couple of thousand feet approximately. Mr. Kim indicated that the light rail would take these tracks and “fly-up and over” the freight rail tracks to the other side...thus the name. Mr. Kim indicated that a fly-over was proposed in Glendora at Lone Hill Avenue. Mr. Kim indicated that this location was selected because it eliminates an at-grade crossing. Mr. Kim indicated that staff discussed the fly-over with the City of Glendora and they liked it.

Mr. Kim indicated that the additional fly-over was located in the City of Pomona at Towne Avenue. Mr. Kim indicated that this location was also selected because it eliminated an at-grade crossing which is preferred. Mr. Kim indicated that Pomona’s reaction to this was not as positive as the City of Glendora’s and for good reason. Mr. Kim indicated the fly-over at Towne was sandwiched in an area that has existing residential and future planned residential areas. Mr. Kim indicated that staff understands Pomona concerns

with regards to the visual impacts that will be created by the fly-over structure. Mr. Kim indicated that the staff took all of the considerations and possible mitigations into account and the visual impact is outweighed by the benefit of eliminating the at-grade crossing on a busy Towne Ave.

Mr. Kim indicated that the second challenge area also has to do with the fact that the project will operate in a busy freight corridor area. Mr. Kim indicated that the issue is not if there is enough room to operate the lines (Foothill Extension, Metrolink and freight rail) – there is. Mr. Kim indicated that the issue is that the parts of the corridor, in particular on the eastside, where the lines all operate within the same corridor. Mr. Kim indicated that the EIR took this into account and studies were conducting regarding vehicular traffic at east crossing location. Mr. Kim indicated that there are a finite number of these eastside locations and if the Towne location s removed from the equation due to the fly-over structure, only one location remains out of the 28 grade crossings along the entire Phase 2B alignment. Mr. Kim indicated that the location was at Garey Avenue in Pomona. Mr. Kim indicated that staff applied the “Metro Light Rail Grade-Crossing Policy” to every grade-crossing along Phase 2B including Garey Ave. Mr. Kim indicated that in addition to the Foothill Extension at Garey Avenue, staff also looked at Metrolink and freight rail as well. Mr. Kim indicated that recognizing the difference between the types of rail at this location, staff wanted to account for the cumulative impact of all these trains running across this grade-crossing. Mr. Kim indicated that after all of these facts were taken into account that this location did not warrant a grade separation. Mr. Kim indicated that Pomona has expressed their concerns regarding this crossing location to staff and requested that they conduct an additional study, which staff did. Mr. Kim indicated that staff conducted a comprehensive analysis as well as field visits to observe and document what was occurring at the location. Mr. Kim indicated that the gates at Garey Avenue are very active and the result is an increase in traffic. Mr. Kim indicated that the Garey Ave. crossing is approximately one thousand feet east of the Metrolink station. Mr. Kim indicated that when a Metrolink train approaches the Metrolink station a sensor is triggered and the signal changes and the gates go down. Mr. Kim indicated that the gates remain down and the signal remains red as long as the train is at the Metrolink Station. Mr. Kim indicated that Metrolink also has an Express Service which does not stop at the Metrolink station but also triggers the sensors and light for an extended period of time. Mr. Kim indicated that this creates an unusual condition and the addition of the Foothill Extension may increase quene times, does not change the conclusion of the grade-crossing analysis.

Mr. Kim indicated that the third challenge regards station locations, layout, and parking. Mr. Kim indicated that staff worked with each of the corridor cities on these issues as well as conducted public meetings between January 2011 and September 2012. Mr. Kim also indicated that scoping meetings were held in January in addition to City coordination meetings in May and April 2011. Mr. Kim indicated that in total, 47 meetings were held with all the corridor cities. Mr. Kim indicated that staff conducted a robust engagement with cities to solicit

feedback and discuss issues and questions.

Mr. Kim indicated that the project studied in the DEIR is the right project and that certifying the EIR at this time is the appropriate thing to do.

Chairman Tessitor inquired of the Board members if they had any questions of Mr. Kim. Chairman Tessitor seeing and hearing none, opened the meeting to public comment.

Chairman Tessitor recognized Pomona Mayor Elliott Rothman to provide public comment.

Mayor Rothman thanked the members of the Board for the opportunity to address the Board. Mayor Rothman indicated that the City of Pomona believes that the Construction Authority staff has not addressed the negative impacts in the DEIR and the potential impacts it will have on the City of Pomona and the 150,000 residents and businesses. Mayor Rothman indicated that he submitted a letter the Board yesterday urging the Board not to certify the EIR until the major negative impacts are addressed. Mayor Rothman indicated that the lack of a grade separation at Garey Ave.; the lack of alternatives considered by staff at the fly-over at Towne Ave.; and the lack of a grade separation for all rail traffic at Towne Ave. create impacts which are detailed in the correspondence to the Board. Mayor Rothman indicated that the City of Pomona is concerned with traffic, safety, noise, visual impacts and other impacts of the project that are not effectively mitigated by the DEIR. Mayor Rothman indicated that in order for the Board to certify the DEIR, they must find that there are no significant negative impacts and the City of Pomona contend that no such analysis has been conducted that would support such an assumption. Mayor Rothman indicated that City staff has continued to express concerns over the past two years to Construction Authority staff and that those comments and concerns have been ignored. Mayor Rothman indicated that the project is too important to rush and all impacts should be resolved. Mayor Rothman referenced the Construction Authority Board minutes of February 27, 2013 and indicated that proper CEQA procedures were not followed. Mayor Rothman indicated that Garey Ave. in Pomona is one of the main arteries in the City with two major medical facilities with planned future expansion. Mayor Rothman indicated that staff must consider the possible impacts. Mayor Rothman indicated that the City of Pomona is supportive of the Foothill Extension and are excited to be part of the project, but feel that the DEIR before the Board is inadequate on should not be certified at this time. Mayor Rothman indicated that if the Board certifies the EIR, the City of Pomona will have no choice but to explore all its options including legal action. Mayor Rothman thanked the members of the Board for their time and attention as well as for their dedication to region.

Chairman Tessitor thanked Mayor Rothman for his comments.

Chairman Tessitor recognized Erica Ambriz of Assembly Member Torres office to provide public comment.

Ms. Ambriz thanked the Board for allowing her to speak. Ms. Ambriz introduced herself as the District Director for Assembly Member Norma Torres, and was present to speak on her behalf. Ms. Ambriz indicated that Assembly Member Torres is fully supportive of the project and has taken that support to Sacramento. Ms. Ambriz indicated that the Assemblywoman has worked hard and authored legislation, AB 1600, which allowed the project to extend to the City of Montclair. Ms. Ambriz indicated that the Assemblywoman understands how important the project is to the region not only for transportation solutions, but also for creating jobs. Ms. Ambriz indicated that it is the Assemblywoman's hope that the project will ultimately reach Ontario Airport. Ms. Ambriz indicated that the Assemblywoman encourages ongoing dialogue with local stakeholders to address any concerns and impacts the project may have. Ms. Ambriz thanked the members of the Board and indicated that the Assembly Member is available to assist in any way possible.

Chairman Tessitor thanked Ms. Ambriz for her comments.

Chairman Tessitor recognized Daniel Cedeno to provide public comment.

Mr. Cendeno introduced himself as the District Representative for State Senator Carol Liu. Mr. Cedeno read a letter from Senator Liu expressing her support of the EIR. Senator Liu expressed in her letter the support for the residents of the San Gabriel Valley and to the future benefits of the completion of the project to Montclair and eventually Ontario Airport. Mr. Cendeno thanked the Board for their time and attention.

Chairman Tessitor thanked Mr. Cendeno.

Chairman Tessitor recognized Marilyn Grinsdale to provide public comment.

Ms. Grinsdale indicated that she was appearing on behalf of Citrus College and thanked the Board for the opportunity to appear in support of the project. Ms. Grinsdale indicated that Citrus College and its students, as well as the thousands of visitors that visit the campus has been a strong supporter of the Foothill Extension. Ms. Grinsdale indicated that the College, Board of Trustees, faculty, staff and students continue to make the completion of the Foothill Extension a priority. Ms. Grinsdale urged the Board to approve the project and the EIR. Ms. Grinsdale thanked the Board for their time and attention.

Chairman Tessitor thanked Ms. Grinsdale.

Chairman Tessitor recognized Phil Hawkey to provide public comment.

Mr. Hawkey introduced himself as Executive Vice President of the University of La Verne. Mr. Hawkey thanked the Board for their leadership and time devoted to serve the citizens of the San Gabriel Valley and Inland Southern California. Mr. Hawkey indicated that he has been a long-time supporter of the project from his time as City Manager of the City of Pasadena, Chairman of the San Gabriel Valley Economic Partnership and now at the University of La Verne. Mr. Hawkey indicated that with the complexity of a project of this size and scope that there may be some issues as expressed by the City of Pomona. Mr. Hawkey indicated that the issues raised by Pomona are serious and knows that the Construction Authority take them seriously. Mr. Hawkey indicated that based upon his experience of approving the EIR for Phase I from Los Angeles to Pasadena that it does not always contemplate everything. Mr. Hawkey indicated that the actual design of Phase I of the project continued to involved the community and everyone worked to try and mitigate any adverse impacts. Mr. Hawkey indicated that certification of the EIR does not signify a final conclusion only a necessary step. Mr. Hawkey urged the Board to proceed so the project can continue to Montclair.

Chairman Tessitor thanked Mr. Hawkey for his comments.

Chairman Tessitor recognized Patricia Watkins to provide public comment.

Ms. Watkins introduced herself as Assistant Director of Public Projects with the Southern California Regional Rail Authority (SCRRA). Ms. Watkins indicated that SCRRA operates and maintains the Metrolink commuter service and has 42 weekday commuter trains that will run parallel to the proposed Foothill Extension. Ms. Watkins indicated that SCRRA also maintains the BNSF freight Pasadena subdivision which is on the same shared corridor with the Foothill Extension. Ms. Watkins indicated that there are 12 freight trains a day on that line. Ms. Watkins indicated that SCRRA requests that the EIR not be certified at this time until mitigation measures identified in SCRAA's response to the DEIR are identified. Ms. Watkins indicated that SCRRA recommends that a grade separation at Gary Avenue. Ms. Watkins indicated that the gates at Garey Ave, are working as designed. Ms. Watkins indicated that staff did not evaluate all of the environmental impacts of the three different rail services at Garey Ave. Ms. Watkins indicated that the analysis used by staff takes into account only light rail and not the other rail systems. Ms. Watkins indicated that various train control systems that are in place and those proposed need further analysis and study and have not been adequately addresses in the DEIR if to be constructed at-grade. Ms. Watkins indicated that construction of a grade separation would solve the issue.

Board Member Reyes inquired of Ms. Watkins if the CPUC reviewed and approved the current systems in place at Garey. Ms. Watkins indicated that they did. Board Member Reyes inquired that if the Foothill Extension proceeds, won't the CPUC have to review and approve the system that is proposed. Ms. Watkins indicated that they would.



Board Member Hanks inquired of Ms. Watkins that if the SCRAA is proposing a grade separation is it for the Foothill Extension or for Metrolink and/or the freight rail services. Ms. Watkins indicated that SCRAA is not suggesting a final solution but is suggesting not adding another system to the existing conditions. Ms. Watkins indicated that if all rail service lines are grade separated that all issues could be resolved. Board Member Hanks inquired of Ms. Watkins if SCRAA is willing to share in the costs of a grade separation. Ms. Watkins indicated that she was not suggesting such a proposal and does not have the authority to do so. Ms. Watkins indicated that SCRAA is an operator and maintainer of Metrolink and that Metro owns the right-of-way. Ms. Watkins indicated that scrod not fund new capital projects so the question of funding should be put to Metro. Board Member Hanks inquired if Metro was aware of SCRAA position and supportive of a grade separation. Ms. Watkins indicated that she was not present representing Metro and would think that everyone would support the safest solution.

Board Member Reyes inquired of Ms. Watkins is SCRAA had made Metro aware of this request since they are the owner of the right-of-way. Ms. Watkins indicated that they are aware of SCRAA's position.

Board Member Fasana inquired of Ms. Watkins reading the train control systems. Board Member Fasana inquired if there are more advanced signaling train control systems that may be available and would address the issue. Ms. Watkins indicated that the current Metrolink system is the advanced system and that additional modifications could be made to reduce gates down for dwell time and for express trains.

Chairman Tessitor thank Ms. Watkins for her comments.

Chairman Tessitor inquired if there was anyone else who wished to provide public comment; seeing and hearing none, Chairman Tessitor closed public comment.

Chairman Tessitor inquired if any of the Board Members had any questions.

Chairman Tessitor inquired of Mr. Kim that several cities have express that staff has not provided enough time for them to review and comment on the DEIR. Chairman Tessitor indicated that staff attempted to provide for an additional three weeks beyond what is required under CEQA, but due to scheduling conflicts, three weeks was not possible. Chairman Tessitor requested that Mr. Kim address the issue of lack of time to reply to DEIR.

Mr. Kim indicated that under CEQA, the Authority is required to have a ten-day period after the FEIR is published. Mr. Kim indicated that during this period reviewers are allowed to review the FEIR and provide comments. Mr. Kim indicated that due to several request from corridor cities, staff extending the period an additional nine days. Mr. Kim indicated that Glendora, San Dim and Pomona submitted very specific and detail comments.

Chairman Tessitor inquired that if additional time was given beyond the additional nine days that the issues that were raised by the cities would be different than those previously raised. Mr. Kim indicated that he did not believe so.

Board Member Pedroza inquired of Mr. Kim, why two possible parking structures were proposed in Glendora. Mr. Kim indicated that the original proposed parking was located on a buffer of land on the south side of the right-of-way which was owned by Metro and so staff took advantage of that fact and designed a parking facility to take advantage of the location as well a meeting the design and circulation requirement of the station. Mr. Kim indicated that the concept was presented to the Glendora and they raised issues regarding circulation and pedestrian access and they asked staff to investigate an alternative site that would require acquisition of property. Mr. Kim indicated that staff develop a concept and both were including in the DEIR, however staff after analysis selected the original parking location.

Board Member Larramendi indicated that regard to the fly-over in Pomona at Towne Ave. and indicated that she recalled that during Phase I of the project that several noise and visual impacts were identified during the EIR process. Board Member Larramendi indicated that staff continued to work with stakeholder and the resident to mitigate impacts as best as possible. Board Member Larramendi indicated that it was her belief that this would continue to be the case in Phase 2B.

Board Member Fasana noted that goal of fly-overs is to make sure that the project is on the right side of the freight line in terms of our stations. Board Member Fasana indicated that it was a bonus when dealing with Town or Lone Hill in that you are trying to get on the right side and to avoid conflict. Board Member Fasana indicted it is an extra mitigation that was required in the traffic study review. Board Member Fasana indicated that Pomona is getting the increased benefit of having that separation in place.

Board Member Fasana inquired of Mr. Kim if based upon what has been presented in the DEIR and what has been discussed here tonight with regard to the signaling if there would a possibility of improving the dwell times and waiting time at Garey Ave. Mr. Kim indicated that he believed that he believe improvement could be made. Mr. Kim indicated that contact was made with a similar situation in San Diego with a shared corridor and based upon what they found, improvements were made to address similar mitigations.

Board Member Fasana noted that with respect to the City of La Verne that some recommendations were made to close some streets which is similar to some streets in Phase 2A. Board Member Fasana requested that Mr. Kim review had this is done. Mr. Kim indicated that staff was not making the recommendation to close or dead-end some streets, but the PUC had conducted its review during the 2008 environmental process and

recommended several closures in both Phase 2A and 2B, a few of which were in La Verne. Mr. Kim indicated that as these locations were identified, staff conducted discussions with affected cities.

Board Member Fasana noted with respect to the Garey that staff used Metro Grade Crossing Standards which is based on the number of stoppage, dwell times and similar issues and that Metrolink standards are based on the number of tracks. Board Member Fasana inquired of Mr. Kim if staff has information on what happens when Metro standards are used in conjunction with Metrolink. Mr. Kim indicated that staff took into account for the cumulate number of trains, so when applying the grade-crossing policy for light rail technology to include all train movements in the corridor. Mr. Kim indicated that it is worth further discussion with Metro and other agencies. Mr. Kim indicated that based upon the cumulative analysis that staff conducted, staff stands by its analysis.

Board Member Hanks inquired of Mr. Kim if the project as identified in the EIR meets the goals of the project itself and is safe and effective. Mr. Kim indicated that Board Member Hanks is correct.

Board Member Hanks inquired of Mr. Kim with regard to Garey Ave. if there is a possibility of trenching the crossing. Mr. Kim indicated that a trench would not be feasible based upon the existing conditions.

Board Member Hanks inquired of General Counsel Estrada if it is correct when there are conflicting opinions from experts that Board Members may rely on the advice of their own experts that prepared the document. General Counsel Estrada agreed with Board Member Hanks observation.

Board Member Reyes recalled that during Phase I of the project that several changes were made with regard to rail stations as well below-grade crossing. Board Member Reyes indicated that what is being considered tonight is just a start and encourage everyone to continue dialogue and work to address issues.

Board Member Pedroza inquired as to what the life span of the certified EIR. Mr. Kim indicated that there is no expiration.

Board Member Pedroza echoed Board Member Reyes comments regarding working with cities to build consensus and make the best possible project for all involved.

Chairman Tessitor inquired if there were any additional comments or questions.

Ms. Watkins indicated that with regard to Garey Ave., that there is a number of ways to address the problems including an underpass and overcrossing.

Board Member Pedroza noted that he learned of some concerns over the picture in the FEIR depicting the fly-over at Towne. Board Member Pedroza

indicated that picture is a very poor representation of what the fly-over may look at. Board Member Pedroza indicated that he understood the concern some people may have about visual impacts based upon the poor depiction in the picture.

Debra Martin introduced herself as Pomona City Councilmember for the affected area of the Towne Ave. fly-over. Councilmember Martin expressed her concern about what is being proposed and the potential visual impacts to the residents. Councilmember Martin expressed concern about possible negative impacts on property values in the area. Councilmember Martin expressed her concern with regard to Garey Ave. and its impacts to emergency vehicles and possible life-threatening situations that may arise due to prolonged waiting at the crossing.

Chairman Tessitor thanked Councilmember Martin for her comments.

Chairman Tessitor inquired if there were any additional comments for questions from the Board.

Board Member Reyes indicated that he understand the passion that is being express by Pomona's Mayor and Councilmember in attendance. Board Member Reyes indicated that this step is just a beginning and there are many more steps to come. Board Member Reyes indicated that during construction of Phase I a situation arose where a six to eight foot wall was to be constructed in Highland Park because of the project and would have the effect of dividing the neighborhood. Board Member Reyes indicated that staff and engineers work with the neighborhood and developed some alternative. Board Member Reyes indicated that this is a process and there are ways to inject requests and changes into the process and urged the City of Pomona to see this as a starting point and not an end point.

Chairman Tessitor thanked Board Member Reyes and indicated that those sentiments are echoed by everyone on the Board and by the staff.

General Counsel noted that Chairman Tessitor may have inadvertently misspoke and indicated that was closing a public hearing and noted that this was not a public hearing but the Board was accepting public comment. Chairman Tessitor thanked the General Counsel for the clarification.

Board Member Pedroza encouraged the City of Pomona to stay engaged and work with the Construction Authority to further discuss concerns.

Board Member Fasana indicated that Phase 2B still has a large uphill battle to get funded and into construction. Board Member Fasana indicated as the process continues forward that the City be mindful that current and future issues can be addressed in future revisions to the Phase 2B EIR as have been done numerous times with the Phase 2A EIR.

Chairman Tessitor requested a motion. Board Member Hanks made a motion to approve which was seconded by Board Member Reyes. General Counsel Estrada clarified that Board Member Hanks had made a motion to adopt resolution 2013-R-02 which is attached to the staff report and will among other things certify the EIR. Board Member Hanks agreed. Chairman Tessitor requested a roll call vote. The Clerk of the Board conducted a roll call vote (Yes – Tessitor, Pedroza, Reyes, Hanks and Fasana; No – None) and indicated that the item passed unanimously.

Chairman Tessitor thanked everyone who participated.

Note: A transcript of this Agenda Item is available.

**b. Consideration of Two Resolutions of Necessity of the Metro Gold Line Foothill Extension Construction Authority, Declaring Certain Real Property Interests, Identified as Portions of Assessor's Parcel Numbers 8507-003-044 and 8507-004-086, 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 reviewed the report in detail which provided the rationale and reasons for the recommendation from staff. Ms. Danner indicated that the proposed property was needed for public transit purposes for the Metro Gold Line Foothill Extension.

Chair Tessitor inquired if there was anyone who wished to provide public comment on this item, hearing and seeing none, Chair Tessitor closed public comment.

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

Chair Tessitor requested a motion to adopt the Resolution of Necessity of Real Property at 145 West Duarte Road in Monrovia, CA further identified as parcel number 8507-003-044. Board Member Fasana made a motion which was seconded by Board Member Pedroza.

Clerk of the Board indicated that Board Member Fasana has made a motion and Board Member Pedroza has seconded the motion that Resolution No. 2013-R-03, a Resolution of Necessity of the Metro Gold Line Foothill Extension Construction Authority, declaring certain real property interests identified as a portion 145 West Duarte Road in Monrovia, CA further identified as parcel number 8507-003-044, necessary for public purposes and authorizing the acquisition thereof, for public transit purposes, be adopted. The Clerk of the Board conducted a roll call vote for the record – the item passed unanimously 5 votes (Tessitor, Pedroza, Reyes, Fasana and Hanks) to none

Chair Tessitor requested a motion to adopt the Resolution of Necessity of Real Property at 1721 South Magnolia Avenue in the City of Monrovia (Los Angeles County Tax Assessor's Parcel Number 8507-004-086). Board Member Fasana made a motion which was seconded by Board Member Pedroza.

Clerk of the Board indicated that Board Member Fasana has made a motion and Board Member Pedroza has seconded the motion that Resolution No. 2013-R-04, a Resolution of Necessity of the Metro Gold Line Foothill Extension Construction Authority, declaring certain real property interests identified as a portion at 1721 South Magnolia Avenue in the City of Monrovia (Los Angeles County Tax Assessor's Parcel Number 8507-004-086), necessary for public purposes and authorizing the acquisition thereof, for public transit purposes, be adopted. The Clerk of the Board conducted a roll call vote for the record – the item passed unanimously 5 votes (Tessitor, Pedroza, Reyes, Fasana and Hanks) to none.

Note: A transcript of this Agenda Item is available.

**c. Receive and File Project Update Report: Shared Corridor**

Mr. Balian introduced Mr. Burner to provide the report. Mr. Burner indicated that there is a portion of Foothill Extension ROW east of San Gabriel River through Azusa contains freight tracks on which BNSF operates freight service. Mr. Burner indicated that this portion of ROW referred to as the "Shared Corridor". Mr. Burner indicated that the Shared Corridor will need to accommodate three tracks in the future for Foothill Extension Project (one freight track and two light rail tracks). Mr. Burner indicated that the BNSF's freight track is currently positioned in center portion of the ROW and must subsequently be moved south to accommodate additional tracks. Mr. Burner indicated that SCRRA (Metrolink) is responsible for operations. Mr. Burner indicated that the alignment design-build contractor, Foothill Transit Constructors (FTC), has created a phasing plan for the relocation of freight track and that FTC has coordinated with BNSF and SCRRA. Mr. Burner indicated that Grade crossings will be completed to minimize traffic impacts and must continue to accommodate freight service. Mr. Burner indicated that BNSF (Freight) trains will have max speed of 40 mph; Gold Line (LRT) trains will have max speed of 55 mph and that new train control systems will be installed for both LRT and freight track. Mr. Burner indicated that all tracks will share at-grade crossings. Mr. Burner indicated that current and completed activities include sub-ballast and ballast placed between San Gabriel Ave. and Pasadena Ave; mass grading between Palm and Pasadena for future freight realignment; installing sound wall foundations west of Pasadena through Soldano; completed backfilling of abutment walls at Citrus Bridge; completed construction of west abutment walls at Palm Bridge, currently relocating forms to East walls; continuing work on Dalton grade crossing and constructing foundations at Foothill Blvd. Mr. Burner indicated that future activities include start of new track laying between San Gabriel Ave. and Pasadena Ave.;

complete construction at Dalton grade crossing; begin work at Azusa grade crossing; install retaining walls at Citrus Bridge; complete construction of east abutment walls at Palm Bridge; form abutments and start construction at Foothill Bridge and complete installation of sound wall foundations.

Item received and filed.

**9. General Counsel's Report**

General Counsel Estrada indicated that the majority of work has been with regard to the EIR presented this evening; general matters; property acquisitions issue and ongoing litigation matters.

**10. Board Member Comments**

Board Member Evans thanked staff for hosting a tour for the Historical Railroad Association and recommended the tour for members of the staff.

Board Member Pedroza expressed his thanks to Board Member Hanks for his service on the Construction Authority Board.

Board Member Larramendi indicated that Sierra Madre Villa parking facility continues to remain full throughout the day.

**11. Closed Session**

General Counsel Estrada reviewed the various items that would be considered in Closed Session and indicated that there would not be a reportable action after Closed Session. Chairman Tessitor recessed the Board into Closed Session at approximately 9:45 PM.

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

(i) Property 5775-022-006

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: 333 Santa Anita LLC  
Under Negotiation: Price and terms

(ii) Property 5773-010-030

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: 333 Santa Anita LLC  
Under Negotiation: Price and terms

(iii) Property 8507-010-020

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: S&F Huntington Crossing I, LLP

- Under Negotiation: Price and Terms
- (iv) Property 5775-022-025
  - Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
  - Negotiating Parties: George W. Fasching, Fasching Trust
  - Under Negotiation: Price and Terms
- (v) Property 8507-004-086
  - Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
  - Negotiating Parties: William Lee and Susan K. Lee
  - Under Negotiation: Price and Terms
- (vi) Property 8513-011-037
  - Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
  - Negotiating Parties: Cerexagri, Inc.
  - Under Negotiation: Price and Terms
- (vii) Property 8528-011-021
  - Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
  - Negotiating Parties: Highland Industrial Center
  - 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

**C. CONFERENCE WITH LEGAL COUNSEL..... G.C. 54956.9(b)(3)(A)**  
Anticipated Litigation

Facts and circumstances that might result in litigation but which the Authority believes are not yet known to potential plaintiff or plaintiffs.

Chairman Tessitor reconvened the Board Meeting at 9:48 pm and indicated that there would be no reportable actions.

**12. Adjournment**

The Board Meeting was adjourned at approximately 10:02 pm.