

**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**

**November 12, 2013  
12:00 P.M.**

**1. Call to Order:**

Chairman Tessitor called the meeting to order at approximately 12:08 AM.

**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	
Vacant	City of Los Angeles	—	—
Paul Leon	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>			
Marisol Salguero	City of Los Angeles	X	
Mary Ann Lutz	SGVCOG	—	—

**3. Pledge of Allegiance**

Marisol Salguero 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, hearing and seeing none, Chairman Tessitor closed public comment.

**5. Nomination and Election of Officers for Board of Directors**

Chairman Tessitor requested nominations for Chair and Vice Chair which are currently Doug Tessitor and Sam Pedroza respectively. Board Member Leon indicated the importance of continuity and nominated Doug Tessitor for Chair, which was seconded by Board member Fasana and was approved unanimously. Board Member Leon

nominated Sam Pedroza as Vice Chair, which was seconded by Board Member Tessitor and was approved unanimously.

Chairman Tessitor thanked the Board Member for their confidence and look forward to continued progress in construction of Phase 2A and seeking funding for Phase 2B and beyond.

## **6. CEO's Monthly Report**

Mr. Balian updated the Board regarding two accidents on the I-210 in morning which resulted in fatalities. Mr. Balian indicated that in one of the accidents, a vehicle encroached into the Gold Line right-of-way which caused service on the alignment to be interrupted. Board Member Evans indicated that he did see vehicles "creeping" slowly along the alignment in South Pasadena. Mr. Balian indicated that no damage was done to the rails or vehicles.

Mr. Balian presented a video which highlight ongoing work on the alignment. Mr. Balian highlighted work in the City of Azusa which included ongoing work at the Azusa Downtown station; ongoing work at the San Gabriel Avenue crossing; an installation of Citrus Ave. LRT bridge girders. Mr. Balian highlighted work in the City of Duarte which included Duarte Station platform concrete pour and soundwall installation along the right-of-way. Mr. Balian highlighted work in the City of Monrovia which included completion of phase 1 work at California Ave. crossing; ongoing construction of Monrovia Station platforms; Monrovia Station parking structure foundation work; and highlighted the community shuttle used for businesses and residents surrounding Mayflower Ave. Mr. Balian highlighted work at the Gold Line Operation Campus in the City of Monrovia which included ongoing construction of facility Maintenance of Way Storage structures; foundation work for Maintenance of way car cleaning platform; facility materials management storage building construction; ongoing construction of facility car hoist pit; and rail installation. Mr. Balian highlighted work in the City of Arcadia which included utility relocation at 1<sup>st</sup> and Santa Clara crossing and "Shops Open During Gold Line Construction" signage near 1<sup>st</sup> and Santa Clara construction. Mr. Balian highlighted work along the I-210 in the Cities of Arcadia and Pasadena which included median right-of-way earth grading. Mr. Balian also highlighted the Azusa to Montclair Kick-off meeting; visit to the Gold Line Operations Campus and the Arcadia Station by Assemblyman Ed Chau; Monrovia Station tour by Monrovia Mayor Mary Ann Lutz and Interim City Manager, Fran Delach; and ASCE Awards banquet honoring the Construction Authority and Skanska for the Gold Line bridge.

Mr. Balian reviewed the Critical Path Schedule which indicated the completion of Mayflower Crossing by November 2013| completion of Sawpit Wash and Santa Anita Avenue Bridges in December; ongoing light-rail track installation and construction; ongoing work at the Huntington bridge construction. Mr. Balian indicated that work on the California Ave crossing; Santa Clara Crossing; Foothill Bridge and Freight Alignment will be completed in late 2013 and early 2014.

**7. Consent Calendar**

- a. Approval of Minutes of Board Meeting held October 9, 2013**
- b. Approval of Revisions to Project Management Plan**
- c. Authorize the CEO to Execute Amendment No. 9 to C1115 for General Counsel Services to Richards, Watson and Gershon**
- d. Authorize the CEO to Execute Amendment No. 3 to C1157 Agreement for Legal Services with Orbach, Huff & Suarez LLP**
- e. Discussion of Actuarial Valuation of Authority Unfunded Liabilities and Consideration of Resolution of Intention to Terminate CalPERS Contract**
- f. Adoption of Metro Gold Line Foothill Extension Construction Authority Financial Plan – Revision 10**

Chairman Tessitor requested Agenda Item 7.e. be pulled from the Consent Calendar and considered separately.

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

**7. Consent Calendar**

- e. Discussion of Actuarial Valuation of Authority Unfunded Liabilities and Consideration of Resolution of Intention to Terminate CalPERS Contract**

Chairman Tessitor indicated that the item on the Agenda had been listed as “Discussion of ...” and it should be listed at “Consideration of ...” since the item was discussed and approved at both the Finance and Management & Personnel Committees.

Mr. Balian indicated that the purpose of the item to see how CalPERS affects the Authority long-term with regard to the exact value of the unfunded liability. Mm. Balian indicated that in order to obtain the information from CalPERS, the Authority must submit the resolution attached to the report. Mr. Balian indicated that while the resolution indicates that with the “Intention to Terminate”, that is not what is being sought and that additional steps would be necessary. Mr. Balian indicated that this was just to obtain the valuation information.

Chairman Tessitor requested a motion to approve Request from CalPERS of the Actuarial Valuation of the Authority’s Unfunded Liabilities by way of

Approval the Resolution of Intention to Terminate CalPERS Contract. Board member Fasana made a motion to approve the item, which was seconded by Board Member Pedroza and approved unanimously.

## **8. General Board Items**

- a. Consideration of Adoption of a Resolution of Necessity for the acquisition by eminent domain of certain real property interests located at 16009 Avenida Padilla in the City of Irwindale, and further identified as Los Angeles County Tax Assessor's parcel number 8615-001-046, for public purposes, namely for public transit purposes**

General Counsel Estrada indicated that Special Counsel Gina Danner was on vacation and that Special Counsel Mike Yoshiba was available to the Board to address the matter. Chairman Tessitor requested Mr. Yoshiba provide the report.

Mr. Yoshiba indicated that staff was seeking the adoption of two Resolutions of Necessity to acquire a property located at 16009 Avenida Padilla in the City of Irwindale. Mr. Yoshiba indicated that the staff is seeking to acquire 854 square foot portion of property to be used for a track bungalow which is an above-ground structure with signaling and operating equipment for the light rail line. Mr. Yoshiba reviewed the remainder of the report in detail which provided the rationale and reasons for the recommendation from staff. Mr. Yoshiba 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. Mr. Yoshiba indicated that the proposed property is 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 Mr. Yoshiba or would like to make a comment.

Board Member Fasana inquired if outreach to the owner had been conducted. Mr. Yoshiba indicated that contact had been done via several avenues as legally required but no response has occurred as of yet.

Board Member Larramendi inquired if contact was made to a Monrovia resident with the same last name. Mr. Yoshiba indicated that this property owners is not the same as the Monrovia resident referred to by Board Member Larramendi.

Chair Tessitor requested a motion to adopt the Resolution of Necessity of Real Property No. 2013-R-09 at 16009 Avenida Padilla in the City of Irwindale and further identified as parcel number 8615-001-046. Board Member Pedroza

made a motion which was seconded by Board Member Fasana.

The Clerk of the Board conducted a roll call vote and the item passed unanimously.

**b. Receive and File Report on Project Update: BNSF Shared Corridor**

Mr. Balian introduced Chris Burner, Chief Project Officer to provide the report. Mr. Burner indicated that BNSF currently operates freight services on a portion of the Foothill Extension Right-of-Way (ROW) east of the San Gabriel River through Azusa, referred to as the Shared Corridor. Mr. Burner indicated that at present, the Shared Corridor contains one mainline freight track; however, it will need to typically accommodate three tracks in the future (two light rail tracks, and one freight track). Mr. Burner indicated that BNSF's existing freight track is currently in the center of this portion of the ROW, and consequently must be moved south to accommodate the additional light rail tracks. Mr. Burner indicated that thus far, portions of BNSF's freight track have been realigned to permanent locations from Barranca grade crossing to San Gabriel Avenue. Mr. Burner indicated that the realignment of these portions of the track necessitated that two existing freight bridges be relocated to newly constructed abutments at Palm and Citrus. Mr. Burner indicated that various grade crossings have been rehabilitated to complete this realignment (Pasadena, Dalton, and Azusa). Mr. Burner indicated that two crossings remain to be completed at San Gabriel (currently in progress) and Virginia (beginning in April 2014). Mr. Burner indicated that one crossing (Alameda) has been permanently closed to accommodate the Azusa-Downtown Station. Mr. Burner indicated that the remaining freight realignment from San Gabriel Avenue to San Gabriel River Bridge will necessitate the construction of two more bridges on either side of the existing Foothill Bridge to accommodate light rail on the west side and freight on the east side. Additionally, Mr. Burner indicated that MillerCoors will get two new storage tracks for a total of five tracks between the Irwindale overpass and San Gabriel River Bridge (two light rail tracks on the north side and three freight tracks to the south). Mr. Burner indicated that the relocation of all of the freight tracks with the exception of the areas near Virginia and Foothill Bridge is expected to be completed by January 1, 2014. Mr. Burner presented a graphical representation of the BNSF realignment.

Board Member Fasana inquired how frequent freight is using the tracks. Mr. Burner indicated that currently there is one freight train during the 5 days of the week servicing MillerCoors.

Board Member Pedroza inquired if there was any shared corridor was involved in Phase 1 and if there will be any on Phase 2B. Mr. Burner indicated that there was none on Phase 1 and that there is substantial amount in Phase 2B.

Item received and filed.

**c. Receive and File Report on Monthly Update**

Mr. Balian indicated that the past month was the largest "invoice month" with FTC in the amount of \$26 million. Mr. Balian indicated that staff tracks billing as an additional metric in the progress of the project.

Mr. Balian introduced Chris Burner to provide the report. Mr. Burner indicated that with respect to the Phase 2A Alignment Progress that the first phase of tie-in with existing Gold Line in Segment 1 (installation of three OCS foundations) has been completed; the OCS foundations from San Gabriel River Bridge to Mountain Avenue and the I-210 median have been installed; work continues at Duarte, Monrovia, and Arcadia stations; work at Azusa Downtown Station has started; construction of grade crossings at San Gabriel, California, Mayflower, and 1<sup>st</sup> & Santa Clara crossings continues; installation of foundations and other underground infrastructure at the Gold Line Operations Campus (Campus) continues; material and storage building and MOW building steel frame at the Campus is completed; placement of vapor barrier, aggregate base and rebar at the main shop floor slabs in the Campus has begun; freight realignment in Segment 4 continues; bridge work at: Foothill, Saw Pit Wash, Santa Anita Avenue, and Kincaid continues; bridge work at Rosemead, Michillinda, and Baldwin has started; and construction of San Gabriel River bridge, Alta Vista Wash and Santa Anita Wash has been completed.

Mr. Burner reviewed and overview of the Project Schedule.

Mr. Burner indicated that with regard to the Parking Facilities Progress meetings between Authority, Webcor, and cities is ongoing; review major submittals for all parking facilities and TPSS sites is ongoing; five AFC packages have been completed; construction of Arcadia parking facility continues; construction at Monrovia parking facility, Azusa-Citrus parking facility, Michillinda TPSS, Soldano TPSS, and Irwindale intersection and commenced.

Mr. Burner indicated that over the next three to four months site utility and foundation work at the Campus will be completed; construction of bridges at Foothill, Saw Pit Wash, and Santa Anita Avenue will be completed; California, Mayflower, San Gabriel, and First and Santa Clara crossings will be completed; construction of Duarte, Monrovia, Arcadia, and Azusa Downtown stations and begin construction of remaining stations will be completed; OCS foundation installation will be completed; the design for first three Parking Facilities will be finalized and LRT trackwork construction will begin.

Item received and filed.

## **9. General Counsel's Report**

General Counsel Estrada updated the Board on recent events concerning the Tri Party Settlement Agreement between the Pasadena Avenue Monterey Road Committee (PAMRAC) and the Construction Authority and Metro and indicated that the matter should hopefully conclude in 2014.

General Counsel Estrada also reported about ongoing routine matters including real estate matters and ongoing litigation matters.

**10. Board Member Comments**

Board Member Bogaard thanked staff for the continued good work.

**11. 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 1:02 PM.

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

- (i) Property 8507-006-032  
Agency Negotiator: Habib F. Balian, Regina Danner, Esq., and Michael F. Yoshiba, Esq.  
Negotiating Parties: Robert M. Valadez, Lydia Grant  
Under Negotiation: Price and Terms
- (ii) Property 8507-006-040  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Gregory L. and Janet L. Eaton  
Under Negotiation: Price and Terms
- (iii) Property 8513-012-900  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Los Angeles County  
Under Negotiation: Price and Terms
- (iv) Property 8618-003-014  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Famela Domantay, Edelyn Domantay Brown  
Under Negotiation: Price and Terms

- (v) Property Electrical utility power line overhang easement approximately 25' wide, 190' long over a north-eastern portion of land owned by MillerCoors LLC in the City of Irwindale, CA and identified as Los Angeles County parcel number 8533-009-023

Agency Negotiator: Habib F. Balian and Wesley G. Beverlin, Esq.  
Negotiating Parties: MillerCoors LLC  
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

- (ii) Metro Gold Line Foothill Extension Construction Authority v. Hydraulic Units, Inc., et al.  
Case No. BC498261

- (iii) City of Pomona, a California Charter City v. Metro Gold line Foothill Extension Construction Authority  
Case No. BS142413

**12. Adjournment**

The Board Meeting was adjourned at approximately 1:38 pm.