

**Metro Gold Line Foothill Extension Construction Authority Board Meeting
Construction Authority Offices
406 E. Huntington Drive, Suite 202
Maria Dalton Community Room
Monrovia, California 91016**

**February 13, 2013
7:00 P.M.**

1. Call to Order:

Chairman Tessitor called the meeting to order at approximately 7:05 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
Alan Wapner	SANBAG	X	
<i>Alternate Members</i>			
Gerry Miller	City of Los Angeles	—	—
Denis Bertone	SGVCOG	—	—

3. Pledge of Allegiance

Ed Reyes 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. CEO's Monthly Report

Mr. Balian presented a video which highlighted recent activity on the project. Mr. Balian highlighted the demolition and in-filling of a property for the future location of a TPSS facility in Pasadena; continued work on the Colorado bridge in Arcadia and a site visit by Mayor Harbicht. Mr. Balian highlighted continued work on the Highland

Avenue crossing in Duarte which included the demolition of the existing intersection and installation of a duck bank conduit system. Mr. Balian highlighted the concrete pour for the abutment wall at the Citrus Avenue bridge in Azusa and the removal of form walls. Mr. Balian highlighted a recent visit to the Azusa construction site by Mayor Rocha; installation of temporary shoring at the Foothill Boulevard bridge in Azusa; installation of the on-site field office at the Gold Line Operations Campus as well as installation of storm drains; construction of base slab for blow down pit; and installation of drainage board at Evergreen Ave retaining wall. Mr. Balian highlighted the receipt of the final design-build proposals for the Intermodal Parking Facilities RFP as well as reviews of the proposal by various evaluation committees. Mr. Balian highlighted the community outreach by staff to the Arcadia residents impacted by work at the Colorado bridge; a tour for the LA Railroad Heritage Foundation; and a presentation to the SGVCOG TAC highlighting the project.

Mr. Balian reviewed the critical path slide. Mr. Balian indicated that staff had obtained the 408 permit from the United States Army Corp of Engineers that is required for the San Gabriel River bridge; start of construction at the Highland Avenue LRT Crossing; start of construction of the first shared corridor crossing at Dalton Ave; start of construction for the San Gabriel Valley bridge; expectation of Substantially Completed Design for the project by March and completion of the freight realignment in December.

Mr. Balian also reviewed the schedule for the Azusa to Montclair EIR and indicated that the Report would be presented to the Board at an upcoming Board meeting. Mr. Balian also reviewed the potential schedule for the Phase 2B.

Board Member Hanks inquired if there was anything controversial in the EIR. Mr. Balian indicated that there was not.

Board Member Fasana inquired about the recent 3 applications for Duarte that had been submitted to the CPUC. Mr. Balian indicated that the applications for administrative review and not for a hearing.

6. Consent Calendar

a. Approval of Minutes of Board Meeting held January 23, 2013

Chairman Tessitor requested a motion to approve the Consent Calendar. Board Member Fasana made a motion to approve the Consent Calendar which was seconded by Board Member Pedroza; Chair Tessitor abstained due to absence, and the item was passed.

7. 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 401 Monrovia in the City of Monrovia, and further identified as Los

Angeles County Tax Assessor's parcel number 8513-013-108, for public purposes, namely for public transit purposes.

Chairman Tessitor recited the Agenda Item and requested the Clerk to read the item into the record. 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.

Board Member Hanks inquired if the property in question publically or privately owned. Ms. Danner indicated that it was in a common area held by the homeowners association. Ms. Danner indicated that staff had been able to reach agreement with all the property owners within the homeowners association but the acquisition of the sidewalk area in question also requires that all lenders of the property owners also agree to the acquisition. Ms. Danner further indicated that efforts have been made to contact each of the lenders; none have responded to date.

Chair Tessitor requested a motion to adopt the Resolution of Necessity of Real Property at 401 Monrovia in Monrovia, CA further identified as parcel number 8513-013-108. Board Member Fasana made a motion which was seconded by Board Member Reyes.

Clerk of the Board indicated that Board Member Hanks has made a motion and Board Member Pedroza has seconded the motion that Resolution No. 2013-R-01, a Resolution of Necessity of the Metro Gold Line Foothill Extension Construction Authority, declaring certain real property interests identified as a portion of 401 Monrovia in Monrovia, CA further identified as parcel number 8513-013-108, 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. [A transcript of this Agenda item is available.]

b. Receive and File Project Update Report: Station Artwork

Mr. Balian introduced Lesley Ellwood, Art Manager, to provide the report. Ms. Ellwood indicated that during the review and highlighting of the station artwork at each station she would highlight the accomplishments and provide further background for the station artist. Ms. Ellwood indicated that the design for all

station artwork was %100 complete and fabrication of artwork and final delivery and installation would work in conjunction with FTC schedule. Ms. Elwood reviewed each stations artist and station elements in detail.

Item received and filed.

c. Authorize the CEO to Execute Amendment No. 9 to Contract No. C1139 for Real Property Acquisition Legal Services

Mr. Balian presented the report. Mr. Balian indicated that a not-to-exceed amount of \$150,000 for a total contract not-to-exceed value of \$898,200 is being request for Lewis Brisbois Bisgaard & Smith for continued legal property acquisition legal services.

Chair Tessitor requested a motion to authorize the CEO to execute Amendment No. 9 Contract No. C1139 for Real Property Acquisition Legal Services. Board Member Hanks made a motion to approve the item which was seconded by Board Member Fasana and passed unanimously.

8. General Counsel's Report

Mr. Estrada indicated that the General Counsel, Associates and staff have been working on during the past month included on-going General Counsel services; the Azusa to Montclair EIR; CEQA/NEPA issues; property acquisition matters and assisting staff in an agreement with Metro on a private crossing agreement for the Santa Anita Bridge. Mr. Estrada indicated that a thorough review of the Authority's Employee Policy manual was conducted and comments were provided to staff for review and further adoption by the Board at an upcoming meeting.

9. Board Member Comments

None.

10. Closed Session

General Counsel Estrada reviewed the various items that would be considered in Closed Session and indicated that there may be a reportable action after Closed Session. Chairman Tessitor recessed the Board into Closed Session at approximately 7:43 PM.

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

(i) Property 8513-012-048

Agency Negotiator: Habib F. Balian and Claire Hervey Collins, Esq.
& Wes Beverlin, Esq.

Negotiating Parties: Home Depot USA Inc.

Under Negotiation: Price and terms

- (ii) Properties 8507-005-065 through 8507-005-88
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Fairfield Village Homeowner's Association
Under Negotiation: Price and terms
- (iii) Property 8513-002-054
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Service Corp International of California
Under Negotiation: Price and terms
- (iv) Property 8513-012-029
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Michael Sigal
Under Negotiation: Price and terms
- (v) Property 8528-016-040
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Abstract Holdings Inc.
Under Negotiation: Price and terms
- (vi) Property 8507-004-086
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: William Lee & Susan K. Lee
Under Negotiation: Price and terms
- (vii) Property 5773-005-022
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: 4 By 2 LLC
Under Negotiation: Price and terms
- (viii) Property 8507-011-038
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.
Negotiating Parties: Steven R. & Debra J. Flint
Under Negotiation: Price and terms
- (ix) 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. City of Monrovia, Monrovia Redevelopment Agency, et. al.
Case No. BC47600
- (ii) Metro Gold Line Foothill Extension Construction Authority v. Monrovia Redevelopment Agency, City of Monrovia, et al.
Case No. BC492940
- (iii) Metro Gold Line Foothill Extension Construction Authority v. MillerCoors LLC,et al.
Case No. BC497583
- (iv) Metro Gold Line Foothill Extension Construction Authority v. Nu Generations, LLC, et al.
Case No. BC493824
- (v) Metro Gold Line Foothill Extension Construction Authority v. Target Corporation, et al.
Case No. BC494011
- (vi) Metro Gold Line Foothill Extension Construction Authority v. Hydraulic Units, Inc.et al.
Case No. BC498261

**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 8:29 pm and indicated that there would be no reportable actions.

11. Adjournment

The Board Meeting was adjourned at approximately 8:30 pm.