

**Metro Gold Line Foothill Extension Construction Authority Board Meeting  
Arcadia City Council Chambers  
240 West Huntington Drive  
Arcadia, California 91007  
October 12, 2011  
7:00 P.M.**

**1. Call to Order:**

Chairman Tessitor called the meeting to order at approximately 7:08 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	
Jon Blickenstaff	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**

Bill Bogaard 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 an attorney for Excalibur Property Holdings and George and Diana Brokate. Mr. Sutton provided a summary of recent court proceedings and his involvement in others.

Mr. Robert Silverstein addressed the Board. Mr. Silverstein introduced himself as an attorney for Excalibur Property Holdings and George and Diana Brokate. Mr. Silverstein indicated that his firm continues his investigation into various items related to the project. Mr. Silverstein indicated that the CPUC had agreed to allow for a late protest to grade crossings in Azusa by his firm. Mr. Silverstein summarized various upcoming legal proceedings regarding the project.

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. Mr. Balian presented a video which summarized recent construction activities at the IFS construction site.

Mr. Balian reviewed various critical path items for the project including an Amended Funding Agreement with Metro, issuance of an Interim NTP to the DB2 contactor and various other items.

Board Member Hanks inquired if the crane that installed the foundation piles would be kept on site. Mr. Balian indicated that the large crane had already been moved off the construction site and that a smaller crane had been located at the site.

Board Member Fasana inquired about the status of the CPUC grade crossings. Mr. Balian indicated that there are two grade crossings in Azusa which have not been approved by the CPUC yet but are expected by the end of the year.

## **6. Consent Calendar**

- a. Approval of Minutes of Special Board Meeting held July 27, 2011**
- b. Approval of Minutes of Board Meeting held September 14, 2011**
- c. Approval of Minutes of Special Board Meeting held September 28, 2011**
- d. Authorize CEO to Award Contract in Response to Request for Proposals (RFP) for Small Business Enterprise (SBE) Audit Services**
- e. Approval of Revision to Caltrans Work Authorization to Phase 2A Alignment Project for FY 2011**
- f. Consideration of Project Management Plan Revisions**

Chairman Tessitor requested a motion to approve the items on the Consent Calendar. Board Member Fasana made a motion to approve the Consent Calendar which was seconded by Board Member Hanks. Board Member Pedroza abstained from the Agenda Item 6.b. and Board Member Blickenstaff abstained from Agenda Items 6.a. and 6.b.

Chairman Tessitor wanted to clarify the vote on the Consent Calendar. Chair Tessitor requested that a motion for Consent Calendar Agenda Items 6.c. to 6.f. Board Member Hanks made a motion to approve Agenda Item 6.c. to 6.f. of the Consent Calendar. Board Member Fasana seconded the motion which was approved unanimously. Chairman Tessitor requested a motion to Agenda Item 6.a. of Consent Calendar. Board Member Fasana made a motion to approve Agenda Item 6.a. of the Consent Calendar and was seconded by Board Member Hanks. Board Member Blickenstaff abstained and the item was approved. Chairman Tessitor requested a motion to Agenda Item 6.b. of Consent Calendar. Board Member Hanks made a motion to approve Agenda Item 6.b. of the Consent Calendar and was seconded by

Board Member Fasana. Board Members Blickenstaff and Pedroza abstained and the item was approved.

**7. General Board Items**

**a. Receive and File Report on Project Update: Structures**

Mr. Balian introduced Mr. Burner who provided the report. Mr. Burner indicated that there are a total of 17 locations along the alignment with structures. Mr. Burner indicated that some locations have dual light rail structures which results in a total of 24 structures required for the project. Mr. Burner provided an over of 5 structures out of the 24.

Board Member Pedroza inquired if any anti-graffiti treatments would be placed on structures. Mr. Burner indicated that treatments would be applied to structures and that Metro has a very aggressive graffiti removal program.

Chairman Tessitor requested a motion to Receive and File Report on Project Update: Structures. Board Member Pedroza made a motion to receive and file the item. Board Member Blickenstaff seconded the motion which was then approved unanimously.

**8. General Counsel's Report**

None.

**9. Board Member Comments**

Board Member Pedroza thanked everyone for the well-wishes.

Counsel Snow 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.

**10. Closed Session**

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

- (i) Property: (1) 8513-012-804; (2) 8513-012-805; (3) 8513-012-806;  
(4) 8513-012-908; (5) 8513-012-909; (6) 8513-012-910  
(7) 8513-012-911; (8) 8513-012-912; (9) 8513-012-913

Agency Negotiator: Habib F. Balian and Wes Beverlin, Esq.  
Negotiating Parties: Monrovia Redevelopment Agency  
Under Negotiation: Price and terms

- (ii) 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
- (iii) Property: 8531-017-022  
  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Peter & Yolanda Gutierrez  
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: 8531-017-021  
  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Javier & Micaela Sanchez  
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
- (iii) Excalibur Property Holdings, LLC and George Brokate v.  
Pasadena Metro Blue Line Construction Authority et. al.  
Case No. BS133977

**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.

**11. Adjournment**

The Board entered Closed Session at 7:29 PM. Counsel Snow indicated that there were no reportable actions from the Closed Session. Chairman Tessitor adjourned the meeting at 8:11 pm.