

**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**  
**April 27, 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><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	
<b><i>Alternate Members</i></b>			
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 Agenda**

Chairman Tessitor requested any public comments on or off the Agenda.

Mr. Christopher Sutton introduced himself a special council to George Brokate and Excalibur properties and addressed the Board regarding the subject of public project conflict of interest issues. Mr. Sutton presented a letter summarizing his comments to the Board regarding the topic.

**5. CEO's Monthly Report**

Mr. Balian presented the report. Mr. Balian presented a video which highlighted recent activities at the Construction Authority among which were continued work on

the IFS project, public scoping workshops for the Azusa to Montclair portion of the project, project video being produced which will appear on the website, and attendance at local community events.

Mr. Balian reviewed various critical path items including completion of the Funding Agreement Amendment, BNSF Agreement, the M&O Budget which is with Metro and awaiting Board approval; the M&O property acquisition and the award of the DB2 contract in July. Mr. Balian also reviewed various other items and matters that are ongoing. Mr. Balian reviewed the various dates of public workshops in cities along the Azusa to Montclair portion of the alignment.

**6. Consent Calendar:**

**a. Approval of Minutes of Board Meeting held April 13, 2011**

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

**7. General Board Items:**

**a. Receive and File Report on Project Update: California Public Utilities Commission (CPUC) Crossing Application Update**

Mr. Balian introduced Dain Pankratz to provide the report. Mr. Pankratz reviewed the purpose of the California Public Utilities Commission (CPUC) as the government agency responsible for railroad-highway grade crossings design, construction, and safety. Mr. Pankratz indicated that there are a total of 37 crossings in Phase 2A of the project and that of the 37 crossings, 20 are grade separated and 17 are at-grade. Mr. Pankratz indicated that the CPUC has approved 20 of the 37 crossings, including the Iconic Freeway Structure crossing, and has 14 crossings currently under review. Mr. Pankratz indicated that 4 applications have yet to be submitted to the CPUC. Mr. Pankratz reviewed the entire list of grade crossings for Phase 2A and the current status of each.

Board Member Reyes inquired what the general variables that the CPUC generally review. Mr. Pankratz indicated that there are two types of applications that they review, grade separations and at-grade separations. Mr. Pankratz indicated that with regard to the grade separations, the CPUC ensures that all of the mandates clearances are in place and with the at-grade clearances that a diagnostic design review is conducted in the field with the various entities involved in the planning and design to discuss and review various elements of the crossing.

Chairman Tessitor requested a motion to receive and file the Report on the California Public Utilities Commission (CPUC) Crossing Application Update.

Board Member Pedroza made a motion to receive and file the Report and Board Member Fasana seconded the motion which was then approved unanimously.

**b. Consideration of Phase 2A Project Schedule Revision**

Mr. Balian provided the report. Mr. Balian review the current project schedule and indicated that based upon discussions and on-going work-efforts including purchase of the M&O real estate over the coming weeks that a possible revision to the Phase 2A project schedule is anticipated. Mr. Balian indicated that at this item was only a review and file report.

Chairman Tessitor requested a motion to receive and file the Report on the Phase 2A Project Schedule Revision. Board Member Fasana made a motion to receive and file the Report and Board Member Pedroza seconded the motion which was then approved unanimously.

**c. Monthly Project Status Report**

Mr. Balian provided the report. Mr. Balian reviewed various items including the execution of the shared-used agreement with BNSF and Metro, ongoing CPUC grade crossing submittals and approvals, amendments to the DB2 contract and completion of the geotechnical report for the M&O facility. Mr. Balian reviewed upcoming activities of the Construction Authority including work on finalizing the station parking facility conceptual plans and various agreements with project stakeholders.

Chairman Tessitor requested a motion to receive and file the Monthly Project Status Report. Board Member Hanks made a motion to receive and file the Report and Board Member Pedroza seconded the motion which was then approved unanimously.

**8. General Counsel's Report**

None.

**9. Board Member Comments**

Board Member Pedroza indicated that the Joint Powers Authority (JPA) had voted unanimously at its last Board meeting to invite Montclair, Rancho Cucamonga and Upland as members of the JPA and requested that the item be placed on next Board Agenda for approval.

Board Member Fasana inquired about the status of SANBAG's commitment to participate in the funding of the Phase 2C alternative analysis for the Montclair to Ontario Airport extension. Mr. Balian indicated that SANBAG has committed to placing the item on its next Board Agenda for consideration.

Chairman Tessitor indicated that with addition of the cities in San Bernardino to the JPA, it would assist in gathering momentum to continuing planning for the extension of the project to Ontario Airport.

Chairman Tessitor adjourned the Board Meeting and moved into Closed Session at approximately 7:34 PM. General Counsel Estrada indicated that there would be no reportable action.

**10. Closed Session**

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

- (a) 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

- (b) Property: 8507-010-019

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Javier & Esmeralda Castaneda  
Under Negotiation: Price and terms

- (c) Property: 8531-017-022

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Peter & Yolanda Gutierrez  
Under Negotiation: Price and terms

- (d) Property: 8531-017-021

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Javier & Micaela Sanchez  
Under Negotiation: Price and terms

- (e) Property: 8528-015-051

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Cal-Am Water  
Under Negotiation: Price and terms

- (f) Property: 8616-003-011

Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Ignacio Medina & Rosa Medina  
Under Negotiation: Price and terms

- (g) Property: 8616-003-012  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Everardo Rocha  
Under Negotiation: Price and terms
- (h) Property: 5773-006-054  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Recreational Equipment, Inc.  
Under Negotiation: Price and terms
- (i) Property: 8513-012-043  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Hoffman Family Trust/Linsalato  
Under Negotiation: Price and terms
- (j) Property: 8513-012-040  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Walter Cleveland  
Under Negotiation: Price and terms
- (k) Property: 8513-012-054  
Agency Negotiator: Habib F. Balian and Regina Danner, Esq.  
Negotiating Parties: Mark Charvat/ELS  
Under Negotiation: Price and terms
- (l) 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

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

- (1) Excalibur Property Holdings, LLC and George Brokate v.  
Pasadena Metro Blue Line Construction Authority  
Case No. BS130732
- (2) Excalibur Property Holdings, LLC and George Brokate v.  
Pasadena Metro Blue Line Construction Authority. et. al.  
Case No. BS129985

**11. Adjournment**

Board Chairman Tessitor adjourned the meeting at 8:12 PM.