



**AGENDA
LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING
BOARD OF DIRECTORS**

**MTA Headquarters
3rd Floor - Board Room
One Gateway Plaza
Los Angeles**

Thursday, September 25, 1997 - 9:30 AM

Call to order:

Directors/Alternates:

Richard Riordan, Chair/Hal Bernson
Yvonne Brathwaite Burke, First Vice Chair/Michael Bohlke
James Cragin, Second Vice Chair/George Nakano
Richard Alatorre/Nate Holden
Michael Antonovich/Nick Patsaouras
John Fasana/Beatrice La Pisto-Kirtley
Don Knabe/Robert Arthur
Jose Legaspi/Jackie Goldberg
Gloria Molina/Vivien Bonzo
Jenny Oropeza/Joyce Lawrence
Carol Schatz/Richard Alarcon
Zev Yaroslavsky/Robert Abernethy
Larry Zarian/Jan Heidt
Tony V. Harris, Ex Officio

Interim Chief Executive Officer - Julian Burke
Board Secretary - Georgia Hamilton
Inspector General - Arthur Sinai
General Counsel - County Counsel

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on the subject of one or more agenda items and/or other items of interest which are within the subject matter jurisdiction of the Metropolitan Transportation Authority. The total presentation for any combination of agenda items and non-agenda items addressed shall not exceed two minutes in length. A request to address the Board must be submitted in person to the Board Secretary prior to the start of the meeting.

All Public Comment will be heard at the end of each meeting. Each individual will have the opportunity to speak only once at the time Public Comment is heard and should include all comments for all items. The Public Comment period will last thirty minutes maximum in length. Speakers will be called according to the order in which the speaker request forms are received until the thirty minute period has expired. The Chair may limit the public input on any item or the total amount of time allocated for public testimony based on the number of people requesting to speak and the business of the Board. If you are a party to a specific item, you will be called upon to speak at the time that issue is being considered.

In accordance with Government Code Section 54954.3(a) the Chair may from time to time dispense with public comment on items previously considered by a committee composed exclusively of Board members.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM The following rule pertains to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.

A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.

Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and

Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available for all Board Meetings. Translators for other languages must be requested 72 hours in advance.

After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

ADA REQUIREMENTS

A cordless microphone is available for those persons with mobility impairments who cannot access the public speaking area. Sign language interpreter services are available upon giving notice at least three business days in advance of the meeting. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800)252-9040.

HELPFUL PHONE NUMBERS

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-2335 (Records Management Department)

General Information/Rules of the Board - (213) 922-4600

Internet Access to Agendas - www.mta.net

TDD line (800) 252-9040

NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA.

1. Consider approval of Consent Calendar Item Nos. 4 through 14.

2. Consider approval of **minutes** of Special Board meetings held August 12 and August 22 and Regular Board meeting held August 28, 1997.

3. Chief Executive Officer's Report

CONSENT CALENDAR ITEMS

4. Consider:
(CC 3)
 - A. issuance of Work Authorization Change Notice (WACN) No. B646-CN-66.01 to Contract No. B646, with Syseca, Inc. for Metro Red Line, North Hollywood Extension covering **design update for Fire Alarm changes**; and B646-CN-70 for an **Economic Price Adjustment (EPA)** to the North Hollywood portion for a total not to exceed \$777,000, for a total contract amount of \$1,835,000;
 - B. execution of a subsequent Change Order if within the amount approved for CN's 66.01 and 70, and:
 - C. an increase to the Authorization For Expenditure (AFE), in the amount of \$777,000 for a total revised AFE of \$1,835,000.

COMMITTEE RECOMMENDATION: APPROVE

5.
(CC 11) Consider approval of Amendment No. 19 to Contract Work Order No. 3 to Contract No. E0070 with Engineering Management Consultant to incorporate Consultant Change Notice Nos. 530.03, 619 and 620.01 for **additional design services for the Metro Red Line, Wilshire and Vermont/Hollywood Corridors** in the amount of \$508,881, increasing the CWO to \$92,656,930.

COMMITTEE RECOMMENDATION: APPROVE

6.
(FB 1) Consider award of contract to IBM Corporation, Los Angeles, the lowest responsive, responsible proposer, covering **procurement of 5 (five) IBM 3490-E tape transport units**, for a fixed price of \$280,266.

COMMITTEE RECOMMENDATION: APPROVE

7.
(FB 2) Consider amendment of Contract LRA-518-95 with Orduno & Ibarra Relocation Consultants covering **completion of relocation services for the Metro Red Line East Side Extension Project** on or before December 31, 1998, for a total amount of \$293,200, including ratification of previous contract amendments, increasing the total contract amount to \$575,448.

COMMITTEE RECOMMENDATION: APPROVE

8.
(EMC 1) Consider Oppose position on **Government Cost Savings and Taxpayer Protection Amendment - PEGC Initiative**.

COMMITTEE RECOMMENDATION: APPROVE

9. Consider **delegating authority to the Operations Committee**, with a 4/5 vote, authority to approve new contracts, contract amendments, options and extensions valued between \$100,000 and \$2 million.
- (EMC 2)

COMMITTEE RECOMMENDATION: APPROVE

10. Consider award of contract to Tyree Organization, Ltd., Cerritos, the lowest responsive, responsible bidder, for IFB No. OP-3360-1002, covering **underground tank replacement at Division 6**, for a fixed price of \$946,556.
- (OPS 2)

COMMITTEE RECOMMENDATION: APPROVE

11. Consider award of contracts covering **Rockwell brake parts** for a 27-month period for a total bid price of \$2,975,217:
- (OPS 3)

- A. Onyx Distribution in the amount of \$13,316;
- B. Coast To Coast Components in the amount of \$32,554;
- C. Truck Trailer Transit Inc. in the amount of \$838,222; and
- D. Baszile Metal Service in the amount of \$2,091,126.

COMMITTEE RECOMMENDATION: APPROVE

12. Consider **disposal of 33 surplus/obsolete buses by off-site auction** for an estimated revenue of \$16,500, less towing fees.
- (OPS 5)

COMMITTEE RECOMMENDATION: APPROVE

13. Consider approval of contract extensions covering **freeway service patrol** from October 1, 1997 to June 30, 1998 at a total cost of \$800,000:
(OPS 6)

<u>Beat</u>	<u>Contractor</u>	<u>Amount</u>
7	Coastal Towing	\$325,000
17	Just For You	305,000
24	TG Towing	170,000

COMMITTEE RECOMMENDATION: APPROVE

14. Consider:
(PP 2)

- A. publication of the Notice of Public Hearing and **setting a Public Hearing** for Monday, November 17, 1997, to receive input on the MTA's Americans with Disabilities Act (ADA) Complementary Paratransit Plan Update; and
- B. authorizing the Chief Executive Officer to appoint a Hearing Officer.

COMMITTEE RECOMMENDATION: APPROVE

PUBLIC HEARING

15. Hold a Public Hearing on the proposed **condemnation** of that certain property located at 1630 North Edgemont Street, Los Angeles - Owner(s): Irachmil B. Taus Trust. MTA Parcel No. B2-227.

NON-CONSENT ITEMS

16.
(OPS 7)

Consider:

- A. rejection of non-responsive bid submitted by Neoplan, USA;
- B. award a contract to New Flyer of America, Cookston, Minn, the lowest responsive and responsible bidder, covering the **purchase of 223 CNG buses**, including spare parts and test equipment, plus optional spare fuel cylinders and additional special diagnostic equipment, and force account in the amount of \$79,621,302;
- C. exercise of recommended procurement options; and
- D. authorize the CEO to issue a Notice to Proceed upon his determination that adequate funding is available to support the procurement.

**COMMITTEE RECOMMENDATION: APPROVE AS AMENDED,
SUBJECT TO RESOLUTION OF PROTESTS:**

AMENDMENT:

1. **STAFF TO RETURN TO THE NEXT COMMITTEE MEETING WITH OPTIONS FOR MITIGATING THE SEATING CAPACITY LOSS AND MEETING THE LOAD CAPACITY REQUIREMENTS IN THE CONSENT DECREE, IF THE BOARD EXERCISES THE LOW-FLOOR OPTION;**
2. **THE NEXT BUS FLEET PROCUREMENT CYCLE (SPRING 1998) INCORPORATES THE PURCHASE OF AT LEAST 100 ATTB'S, CONTINGENT UPON AVAILABILITY, COMPETITIVE PRICING AND MTA FINANCIAL RESOURCES; and**
3. **STAFF IS TO FORWARD A COPY OF THIS MOTION TO THE FTA AND OTHER PARTIES TO GAIN THEIR ASSISTANCE IN MEETING THE SPRING 1998 ATTB PROCUREMENT SCHEDULE, AND TO PROVIDE QUARTERLY PROGRESS REPORTS TO THE COMMITTEE.**

PRINCIPALS ONLY

17. **ANTONOVICH** - Consider approval to contract for the professional services with the same legal firm used in the July Burbank-Chandler Turnkey presentation for a **review and preliminary analysis of all five private sector submittals** at a cost not to exceed \$20,000, for presentation at the October Board Meeting.

18. **BERNSON** - Consider approval for staff to meet with representatives of the Southern California Regional Rail Authority and the Los Angeles City Department of Transportation to determine the feasibility of operating a **Metrolink service in the San Fernando Valley**, from Union Station to the Cities of Glendale and Burbank to the Warner Center, to help meet the mobility needs of the residents.

(Carried over from August Board Meeting)

19. **ANTONOVICH** - Request MTA staff to immediately begin discussion with the Los Angeles Sheriff Department regarding the feasibility of **merging the MTA Transit Police Department with the Los Angeles Sheriff Department** in order to provide transit security throughout Los Angeles County.

(Carried over from August Board Meeting)

20. **BURKE** - Receive and file analysis of the Building Efficient Surface Transportation and Equity Act of 1997 (**BESTE**A).

21. Consider **path forward for the Audit Task Force**.

(ATF 8)

COMMITTEE RECOMMENDATION: APPROVE continuing the Audit Task Force meetings at least quarterly beginning in January 1998 to monitor and review the performance of the following:

- a. agency-wide tracking system;
- b. certification and compliance with AB 1869;
- c. audit backlog;
- d. collections procedures and report on funds collected;
- e. construction variance reporting;

and preparation of recommendations for the quarterly meeting relating to:

- a. implementation of internal controls assessment
(committee of sponsoring internal controls system - COSO);
- b. update on Management Audit Services APTA Peer review;
- c. review of audit close-out procedures;
- d. reliability program;
- e. agency general audit plan; and
- f. reallocation of resources sustained through the audit process.

22. **PATSAOURAS** - Request by Director Patsaouras to consider Dispute Review Board recommendations adverse to the MTA position **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY September 10, 1997**:

(CC 4)

- A. Claim 23, Extension of Conduits into Cable Trays, for an amount not to exceed \$42,958;
- B. Claim 29, Additional Concrete Masonry Unit Wall Ties, for an amount not to exceed \$103,792.

23. **PATSAOURAS** - Consider motion regarding Disputes Review Board to:

1. Require that all DRB decisions, \$100,000 and above, without regard to scope or merit finding be brought back to the Committee and Board for approval;
2. Report to the Construction Committee on a review of the DRB process. This report should include, but not be limited to, the following:
 - a. an accounting of all DRB decisions on the MRL Wilshire/Vermont corridor over the past year, including a report as to the number of items resolved at the DRB level, and the number of items which either the MTA or the contractor further pursued through litigation;
 - b. an analysis of the impact of the DRB decision when litigation is pursued;
 - c. a review of any requirements assigned DRB members and an analysis as to whether such requirements are being fulfilled;
 - d. a review of the qualification requirements for DRB membership to ensure members are not under current contract with either the contractor or the MTA.

CONSTRUCTION COMMITTEE RECOMMENDATION: APPROVE

24. Consider:

- A. rejection of all bids submitted under IFB. No. OP-3360-1015 for **yard lighting upgrade at Division 9**; and
- B. reissuance of solicitations for the procurement.

COMMITTEE RECOMMENDATION: APPROVE
(Carried over from August Board Meeting)

25..
(CC 8)

Consider:

- A. second year funding for Gannett Fleming, Inc., **the Project Management Oversight** consultant, to perform **work on the Pasadena Blue Line, LA Car and Systemwide Tasks** in the amount of \$1,547,000; and
- B. approval of Statement of Responsibility for MTA Project Management Oversight.

COMMITTEE RECOMMENDATION: FORWARD TO FULL BOARD

26.
(EMC
ADDED)

Consider an 'Oppose' position on **AB 1141**.

COMMITTEE RECOMMENDATION: APPROVE

27.
(OPS 4)

Consider award of contracts under IFB No. OP35600906 covering **sweeping and cleaning MTA properties and/or facilities**, for a three-year period, with two one-year options at the election of the MTA, to the lowest responsible, responsive bidders:

- A. Nationwide Environmental Services, Norwalk, for bus transit facilities and street running sections of the Blue Line right-of-way, for a three-year amount not to exceed \$1,266,335; and
- B. A-1 Power Sweeping Company, Baldwin Park, for rail transit facilities, for a three-year amount not to exceed \$292,408.

COMMITTEE RECOMMENDATION: APPROVE SUBJECT TO MANAGEMENT EVALUATION OF PROTESTS

28.
(PP 5)

Consider:

- A. adoption of a **soundwall funding policy** for the MTA to fund all soundwalls required by federal and state regulations as a component of the MTA programmed High Occupancy Vehicle lane project;
- B. programming \$21.3 million in FY 1998-99 to construct soundwalls that meet the requirements of the recommended soundwall funding policy that are part of HOV projects either completed or that do not have sufficient funds for construction of all necessary soundwall segments;
- C. working with CalTrans to fund previously programmed HOV projects with the \$21.3 million in Traffic Systems Management funds anticipated to be available in Los Angeles County in FY 1998-99; and
- D. funding the remaining \$10.4 million financial impact of the recommended policy in future Calls for Projects.

COMMITTEE RECOMMENDATION: APPROVE -- UPDATE ON SB 45 AND ITS POTENTIAL IMPACT ON FUNDING TO BE RECEIVED AT THE BOARD MEETING

29.
(PP 6)

Consider:

- A. reallocation of \$9,555,000 from Segment 2 of the Route 10 High Occupancy Vehicle (**HOV**) lane project (Route 605 to Route 57) to Segments 1 and 3 of the project (Baldwin Avenue to Route 605 and Route 57 to the San Bernardino County line) to complete funding for the design, right-of-way acquisition and construction of Segments 1 and 3; Segment 1 design, \$3,155,000; Segment 3 design, \$2,400,000 & right-of-way, \$4,000,000;
- B. amend existing contracts with CH2M Hill covering Segment 1 in the amount of \$3,400,000; and MK Centennial covering Segment 3 in the amount of \$2,520,000 to complete **design work and for scope of work and design changes required by CalTrans.**

COMMITTEE RECOMMENDATION: APPROVE 'A' AND CARRY OVER 'B' FOR 30 DAYS TO ALLOW STAFF TO RETURN WITH THE FINAL NEGOTIATED AMOUNTS

30. (PP 7) Consider indemnifying CalTrans against any Section 13(c) labor protection claims that may be filed against them pursuant to the award of any FTA Section 5310 grant to ASI.

COMMITTEE RECOMMENDATION: APPROVE AS AMENDED TO INCLUDE: MTA SHALL INDEMNIFY AND HOLD ASI HARMLESS FOR ANY CLAIMS PROPERLY BROUGHT BY PROTECTED MTA EMPLOYEES PURSUANT TO ANY SECTION 5333(B) (FORMERLY SECTION 13(C)) AGREEMENT OR ARRANGEMENT ENTERED INTO BY MTA; STAFF SHALL RETURN TO THE BOARD IF ANY CHANGES ARE WARRANTED.

CLOSED SESSION

31. **Conference with Labor Negotiator - G.C. 54957.6**

Agency Negotiator - Raman Raj

Employee Organization: Amalgamated Transit Union
Teamsters
Non-Represented Employees
Transit Police Officers Association

32. **Conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(a):**

- A. MTA v. Sumitomo, Superior Court, Case No. BC136375
B. Labor/Community Strategy Center V. MTA, U.S. District Court, Case No. CV945936 TJH

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN THE BOARD'S SUBJECT MATTER JURISDICTION

ADJOURNMENT



**ADDENDUM
TO
AGENDA**

**LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

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Thursday, September 25, 1997 - 9:30 AM

33. **MOLINA** - Consider authorizing the Human Resources Department to work with the Los Angeles County Department of Public Social Services (DPSS) to **include appropriately qualified GAIN (Greater Avenues to Independence) participants in significant MTA recruitment and hiring efforts** for open positions at the MTA.