



REVISED MINUTES/PROCEEDINGS

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING
BOARD OF DIRECTORS

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

September 25, 1997

Called to order at 9:50 a.m.

Directors/Alternates:

Richard Riordan/Hal Bernson
Yvonne Brathwaite Burke/Michael Bohlke
George Nakano
Richard Alatorre/Nate Holden
Michael Antonovich/Nick Patsaouras
John Fasana/Beatrice La Pisto-Kirtley
Don Knabe/Robert Arthur
Jose Legaspi
Vivien Bonzo
Joyce Lawrence
Carol Schatz
Zev Yaroslavsky
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

1. **APPROVED** Consent Calendar Item Nos. 5 through 14.

Directors Present: Antonovich, Holden, Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Bernson, Schatz, Legaspi, Yaroslavsky, Zarian

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

Directors Present: Holden, Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Riordan, Legaspi

3. Chief Executive Officer's Report

NO REPORT

4. **APPROVED AS AMENDED TO ADD PARAGRAPH D:**

(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 (A) 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 **\$500,000**;

B. an increase to the Authorization For Expenditure (AFE), in the amount of \$500,000 for a total revised AFE of \$1,613,000;

C. review of all existing contracts that contain an Economic Price Adjustment (EPA) provision for review by the Construction Committee for possible competitive bid consideration; and

D. requesting the Executive Officer of Construction to submit to the Board a revised Work Authorization Change Notice (WACN) policy that allows MTA staff the ability to negotiate changes in a timely basis and allows staff approval to begin within the confines of their signature authority.

Approved on Roll Call Vote noted below:

Ayes: Antonovich, Holden, Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Legaspi, Yaroslavsky, Heidt

Noes: None

Abstain: None

Absent: Knabe, Riordan

CONSENT CALENDAR ITEMS

5. **APPROVED ON CONSENT CALENDAR** 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 (A) Line, Wilshire and Vermont/Hollywood Corridors** in the amount of \$508,881, increasing the CWO to \$92,656,930.

Conflict of Interest: Knabe/Arthur, Antonovich/Patsaouras

6. **APPROVED ON CONSENT CALENDAR** 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.

7. **APPROVED ON CONSENT CALENDAR** amendment to Contract LRA-518-95 with Orduno & Ibarra Relocation Consultants covering **completion of relocation services for the Metro Red (A) 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.

8. **APPROVED ON CONSENT CALENDAR** 'Oppose' position on **Government Cost Savings and Taxpayer Protection Amendment - PEGG Initiative**.

9. **APPROVED ON CONSENT CALENDAR** delegating authority to the **Operations Committee**, with a 4/5 vote, to approve new contracts, contract amendments, options and extensions valued between \$100,000 and \$2 million.

10. **APPROVED ON CONSENT CALENDAR** 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.

11. **APPROVED ON CONSENT CALENDAR** award of contracts covering **Rockwell brake parts** for a 27-month period for a total bid price of \$2,975,217 to:

Onyx Distribution in the amount of \$13,316;

Coast To Coast Components in the amount of \$32,554;

Truck Trailer Transit Inc. in the amount of \$838,222; and

D. Baszile Metal Service in the amount of \$2,091,126.

12. **APPROVED ON CONSENT CALENDAR** disposal of **33 surplus/obsolete buses by off-site auction** for an estimated revenue of \$16,500, less towing fees.

13. **APPROVED ON CONSENT CALENDAR** 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

14. **APPROVED ON CONSENT CALENDAR:**

(PP 2) A. publication of the Notice of Public Hearing and **setting a Public Hearing** on Monday, November 17, 1997, to receive input on the MTA's Americans with Disabilities Act (ADA) Complementary Paratransit Plan Update; and

B. appointment by the Chief Executive Officer of a Hearing Officer.

PUBLIC HEARING

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

Appearance of I. Taus requesting a delay.

Approved on a Roll Call vote as noted:

Ayes: Antonovich, Holden, Burke, Nakano, Arthur, Fasana, Lawrence, Legaspi, Yaroslavsky, Heidt

Noes: None

Abstain: Bonzo

Absent: Schatz, Riordan

Conflict of Interest: Molina/Bonzo

NON-CONSENT ITEMS

16. **APPROVED AS AMENDED:**

- (OPS 7)**
- A. rejected non-responsive bid submitted by Neoplan, USA;
 - B. awarded 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, **subject to resolution of protests, availability of funding, resolution of safety issues and flexibility with regard to type of buses ordered;**
 - C. exercise of recommended procurement options, **increasing the base order by 25%, or 55 buses;**
 - D. CEO issuing a Notice to Proceed upon his determination that adequate funding is available to support the procurement;
 - E. return of staff 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;
 - F. 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
 - G. forwarding 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.

Approved on Roll Call vote noted below:

Ayes: Alatorre, Burke, Nakano, Fasana, Lawrence, Riordan, Schatz, Legaspi, Yaroslavsky, Zarian

Noes: None

Abstain: Antonovich

Absent: Knabe, Molina

Appearance of Neoplan representative protesting award of the contract to New Flyer of America.

Appearance of members of the public.

- 17. Considered Antonovich's motion 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.

APPROVED, AS AMENDED, to receive and file the Ventura Freeway proposal and evaluate in-house the balance of proposals received from the private sector.

Roll Call vote noted below:

Ayes: Holden, Burke, Nakano, Arthur, Bonzo, Lawrence, Bernson, Schatz, Yaroslavsky

Noes: Antonovich, Fasana, Legaspi, Zarian

Abstain: None

Absent: None

Appearance by members of the public

18. **CARRIED OVER** meeting 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 through the Cities of Glendale and Burbank to the Warner Center, to help meet the mobility needs of the residents.
19. **CARRIED OVER TO THE OCTOBER BOARD MEETING** request for the 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.

Roll Call vote noted below:

Ayes: Antonovich, Burke, Nakano, Arthur, Fasana, Lawrence, Riordan, Legaspi, Yaroslavsky, Zarian

Noes: Alatorre, Schatz

Abstain: None

Absent: Bonzo

Appearance by members of the Transit Police, LAPD, City of Los Angeles and the public.

20. **RECEIVED AND FILED** analysis of the Building Efficient Surface Transportation and Equity Act of 1997 (**BESTE**A).

Directors Present: Antonovich, Holden, Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Legaspi, Yaroslavsky, Heidt

21. **CARRIED OVER TO JANUARY, 1998 BOARD MEETING** continuing the Audit Task Force meetings at least quarterly beginning in January 1998.

(ATF 8)

Directors Present: Antonovich, Holden, Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Legaspi, Yaroslavsky, Heidt

22. **APPROVED** 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.

Directors Present: Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Yaroslavsky, Heidt

Director Legaspi voted 'No'

23. **APPROVED** motion regarding Disputes Review Board (DRB) to:

1. Require that all DRB decisions, \$100,000 and above with which the MTA does not agree, 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.

Directors Present: Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Legaspi, Yaroslavsky, Heidt

24. **APPROVED:**

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.

During the initial consideration, the Board voted to continue this item for 30 days. Later in the meeting on motion duly made and seconded, this item was reconsidered and approved.

Directors Present: Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence, Legaspi, Heidt

25. Considered

(CC 8)

A. second year funding for Gannett Fleming, Inc., **the Project Management Oversight** consultant, to perform **work on the Pasadena Blue (B) 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.

Director Yaroslavsky offered a **substitute motion to provide no funding at this time** for the second year of the contract with Gannett Fleming, Inc., to **bring the review in-house** and if it is determined a consultant is needed, the CEO will return to the Board for approval.

Director Arthur made a **second substitute motion** to continue the item for 30 days, which failed on a Roll Call vote noted below:

Ayes: Arthur, Fasana, Lawrence

Noes: Holden, Burke, Nakano, Bonzo, Riordan, Legaspi, Yaroslavsky

Absent: Antonovich, Schatz, Zarian

APPROVED Director Yaroslavsky's substitute motion on the following Roll Call vote:

Ayes: Holden, Burke, Nakano, Bonzo, Lawrence, Riordan, Legaspi, Yaroslavsky

Noes: Arthur, Fasana

Absent: Antonovich, Schatz, Zarian

Appearance from members of the public.

26. **APPROVED** an 'Oppose' position on **AB 1141**.

(EMC
ADDED) Directors Present: Burke, Nakano, Arthur, Fasana, Bonzo, Lawrence,
Legaspi, Yaroslavsky, Heidt

Appearance from members of the public.

27. **APPROVED, subject to management evaluation and resolution of protests**, 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:

(OPS 4)

A. Nationwide Environmental Services, Norwalk, for bus transit facilities and street running sections of the Blue (B) 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.

28. **APPROVED** 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.

(PP 5)

Staff is to return with the funding plan and a listing of current and projected soundwall projects.

29. **APPROVED:**

(PP 6)

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; AND

CARRIED OVER FOR 60 DAYS:

B. amending 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**.

Approved on a Roll Call Vote as noted below:

Ayes: Holden, Burke, Nakano, Fasana, Lawrence, Legaspi, Yaroslavsky

Noes: None

Abstain: Arthur, Bonzo, Riordan (Conflict of Interest)

Absent: Antonovich, Schatz, Zarian

30. Considered 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.
(PP 7)

APPROVED, AS AMENDED, indemnifying CalTrans against any Section 13(c) labor protection claims, **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**, that may be filed against them pursuant to the award of any FTA Section 5310 grant to ASI; **staff shall return to the Board if any changes are warranted.**

Directors Present: Holden, Burke, Nakano, Fasana, Lawrence, Legaspi, Yaroslavsky, Arthur, Bonzo, Riordan

CLOSED SESSION - Recessed to Closed Session at 1:13 p.m.

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

NO REPORT WAS MADE

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

NO REPORT WAS MADE

33. **APPROVED** MTA Human Resources Department working with the Los Angeles County Department of Public Social Services (DPSS) to provide GAIN participants with access to MTA recruitment and hiring efforts and,

when appropriately qualified, for open positions.

Directors Present: Holden, Burke, Nakano, Arthur, Fasana, Bonzo,
Lawrence, Riordan, Legaspi, Yaroslavsky

Appearance of members of the public.

MTA Board Secretary