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**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**

**Thursday, October 22, 1998**

**Called to order at 9:46 A.M.**

**Directors Present:**

Richard Riordan, Chair  
Yvonne Brathwaite Burke, First Vice Chair  
James Cragin, Second Vice Chair  
Michael Antonovich  
Hal Bernson  
John Fasana  
Don Knabe  
Jose Legaspi  
Gloria Molina  
Jenny Oropeza  
Zev Yaroslavsky  
Larry Zarian  
Tony V. Harris, Ex Officio

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

NOTE: Members voting are reflected on the attached “**RECAP OF PROCEEDINGS**” matrix.

1. APPROVED **Consent Calendar** Items 5, 6, 13, 14, 32, 33, 41, 45, 46, 48, 49, 56, 57.

ITEMS 10, 22, 26, 30, 31 and 47 were pulled from Consent Calendar.

Noted Items **Approved Under Committee Authority**: Items 16, 19 through 21, 23, 24, 25, and 54.

2. APPROVED **Minutes** of Regular Board Meetings held on August 27, 1998 and September 28, 1998.

3. Chief Executive Officer’s Report

- 1) Auditor’s Report
- 2) MTA Debt Policy
- 3) Federal Appropriations
- 4) Regional Transit Alternatives Analysis

4. Chair’s Report - None

5. APPROVED ON CONSENT CALENDAR award of a sole source contract to Penn Machine Company, Johnstown, PA, covering the purchase of **360 tire kits for Blue Line rail cars** for a total cost of \$491,400 excluding taxes.

6. APPROVED ON CONSENT CALENDAR award of contract to Unique Manufacturing Corporation (UMC), on a sole source contract basis, for the purchase of **75 new bus cashboxes** in the amount of \$91,740.

7. FAILED ON A ROLL CALL VOTE execution of an **Assignment and Assumption Agreement** with Engineering Management Consultants (EMC) for the assumption of EMC's interest in their lease at 707 Wilshire Boulevard, Los Angeles, covering approximately 117,234 rentable square feet of office space and a Consent to Assignment Agreement and Ninth Amendment to Lease, in a form approved by County Counsel.

Ayes: Cragin, Fasana, Legaspi, Oropeza, Yaroslavsky and Zarian  
Noes: None  
Abstain: Molina  
Conflict: Antonovich, Bernson, Burke, Knabe, and Riordan

8. CARRIED OVER TO NOVEMBER BOARD MEETING - execution of the following agreements:

- A. Amendment to the **Fiber Optic Agreement** between MTA and Pacific Pipeline Systems, Inc. ("PPSI") permitting PPSI to: (i) convey to Qwest Communications ("Qwest") the right to use, for commercial purposes, two conduits installed by PPSI in conjunction with their 20-inch oil pipeline located on approximately 22 miles of MTA right-of-way between the communities of Sylmar and Chinatown; (ii) install fiber for the benefit of Qwest within these conduits and (iii) install 72 strands of dark fiber for the benefit of the County of Los Angeles ("County") within one of the conduits installed by PPSI for the County's exclusive, non-commercial governmental use pursuant to the Property Transfer and Indefeasible Right to Use Agreement between the County and PPSI dated March 1, 1998.
- B. A 25 year agreement with Qwest Communications permitting the commercial use, operation and maintenance of the two conduits installed by PPSI for a one-time payment of \$725,000 to the MTA, subject to Qwest's option to extend the term for consecutive 25 year periods at market rates as agreed to by the parties. If the parties cannot agree, the market rates shall be established by binding arbitration prior to the end of a 25 year term.
- C. Authorize the negotiation and execution of a reciprocal access agreement with the County of Los Angeles, subject to Board of Supervisors approval of the same, covering (i) access to the conduit containing the County's fiber optic system; (ii) payment of the prorata share of actual maintenance and related expenses; (iii) access to MTA right-of-way along the Fiber Optic Route and (iv) access to the County's Fiber Optic System.

10. APPROVED ON A ROLL CALL VOTE FUNDING PLAN FOR ITEMS A, B & C APPROVED AT SEPTEMBER 28, 1998 BOARD MEETING, **AMENDED TO INCLUDE CAPITAL FORMULA FUNDS UP TO \$40,000,000 FOR THE MUNICIPAL TRANSIT OPERATORS FOR FYS 1998-04, AND THAT THESE FUNDS BE FLEXIBLE IN USE IN SO FAR AS THEY SUPPORT CAPITAL IMPROVEMENTS THAT PROMOTE A YOUNG AND WELL-MAINTAINED FLEET SERVICE.**

- A) Adoption of an Accelerated Bus Procurement Plan;
- B. negotiation and exercise of a Change Order with Neoplan USA to **purchase up to 100 additional Neoplan High Floor CNG buses** (subject to resolution of remaining warranty issues) in an amount not to exceed \$38 million, which is inclusive of funding required for taxes, delivery, spares and optional equipment;
- C. negotiation and exercise of a Change Order with New Flyer of North America on the base 222 bus buy to **change to a low floor configuration**, at a cost not to exceed \$900,000.

Ayes: Antonovich (Item a & c) Burke, Cragin, Fasana, Knabe, Legaspi, Molina, Oropeza, Yaroslavsky, Zarian  
Noes: None  
Abstain: None  
Absent: Alatorre  
Conflict: Antonovich (Item B)

11. APPROVED AS AMENDED FOR STAFF TO RETURN TO PLANNING AND PROGRAMMING COMMITTEE (NOT THE AD HOC COMMITTEE) WITH A STATUS REPORT:

- A) of MTA's **Universal Fare System**, which is a set of procurement requirements, fare collection equipment specifications and fare media requirements for cash and electronic fare collection to enable seamless, coordinated inter-modal and inter-agency transit travel in Los Angeles County; and
- B) of the following motion: The Board finds by two-thirds vote that the procurement of UFS in compliance with the provisions of the Public Utilities Code generally applicable to such a contract does not constitute a method of procurement adequate for MTA's needs; and authorizes the Chief Executive Officer to direct the UFS procurement by competitive negotiation under Public Utilities Code Section 130238, subject to Board approval of the award. Issuance is contingent on sufficient UFS funding being included in the adopted MTA Regional Transit Alternatives Analysis.

13. APPROVED ON CONSENT CALENDAR award of a contract with North American Bus Industries, Anniston, Alabama, the lowest responsive and responsible bidder, and auxiliary contractors for the purchase of **215 CNG low floor buses** for a total cost not-to-exceed \$75,689,816, inclusive of all options subject to availability of funding.
  
14. APPROVED ON CONSENT CALENDAR an amount not to exceed \$75,000 from the Board contingency fund for development of an **Internet-based interactive trip planner system**.
  
16. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) - award of a three-year, unit rate contract with two one-year options to Graffiti Control Systems of North Hollywood, the lowest responsive, responsible bidder to **provide graffiti abatement services for MTA transit facilities** for a total contract value of \$852,795 for the five years.
  
17. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9 (a):  
Beauchamp v. LACMTA, C.D. Cal. Case No. 98-0402-CBM(BQRx)  
  
NO REPORT.
  
19. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) for Contract No. B646, the Fire & Emergency Management (F&EM) System, with SYSECA, Inc. on the Metro Red Line, Wilshire and Vermont/Hollywood Corridors (Segment 2), in the amount of \$100,709, increasing the current AFE amount from \$4,260,565 to \$4,361,274, **to provide funding for pending changes that are within the Board-delegated authority**.

20. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0):
- A) Change Order No. 18.00 /Change Notice No. 27.00 to Contract No. B630 for Traction Power Substation Equipment with Powell/TPS, J.V. to provide additional Segment 1 **transformers/rectifiers** on the Metro Red Line, North Hollywood Extension (Segment 3) for an amount not to exceed \$320,000, increasing the Segment 3, North Hollywood contract amount from \$4,831,875 to a not-to-exceed amount of \$5,171,875; and
  - B) an increase to the total Authorization for Expenditure (AFE) in the amount of \$856,534 for a revised amount from \$11,712,761 to \$12,569,295. This represents an AFE increase of \$189,534 for Segment 2 and \$667,000 for Segment 3.
21. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) for Contract B761, with Steiny and Company, Inc. to **provide funding for merited change notices that are within Board-delegated authority** on the Metro Red Line, North Hollywood Extension (Segment 3) in the amount of \$96,697, increasing the amount from \$1,319,585 to \$1,416,282.
22. APPROVED REVISED RECOMMENDATION to increase the Authorization for Expenditure (AFE) for Contract No. EN031, with Metcalf & Eddy, Inc. (Metcalf), to **investigate and dispose of lead contaminated soils** within the Metro Green Line future Maintenance-Of-Way (MOW) facility site in the amount of ~~\$15,000~~ \$19,000, increasing the current AFE amount from \$117,750 to ~~\$132,750~~ \$136,750.
23. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) :
- A) negotiation and execution of Change Order No. B710-CO-19.00 with Fujitec America, Inc to **incorporate design changes and enhancements to the three stations** on the Metro Red Line, North Hollywood Corridor (Segment 3) in an amount not-to-exceed \$713,200 (consistent with the audit findings or whatever is less), which increases the contract amount to \$5,822,760 to \$6,535,960; and
  - B) an increase in the Authorization for Expenditure (AFE) in the amount of \$713,200, from \$6,658,801 to \$7,372,001.

24. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0):
- A) negotiation and execution of Change Order No. B710-CO-20.00 with Fujitec America, Inc. for escalators and elevators to **extend the contract completion date** from September 20, 1998 to June 12, 1999 and to **compensate the contractor for extended overhead costs** in an amount not-to-exceed \$450,000 (consistent with the audit findings or whatever is less ) which increases the contract amount from \$5,372,760 to \$5,822,760; and
  - B) an increase in the Authorization for Expenditure (AFE) in the amount of \$450,000, from \$6,208,801 to \$6,658,801.

25. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0):
- A. negotiation and execution of a Change to Contract MC022, CWO No. 6 with Kabler Construction Services covering **fire sprinkler system installation on the Segment 2B** in an amount not to exceed \$100,000, increasing the CWO to \$259,000; and
  - B. an increase in the Authorization for Expenditure (AFE) in the amount of \$100,000 increasing the AFE to \$259,000.

26. FAILED ON A ROLL CALL VOTE:
- A) Revision No. 1 to Contract Work Order (CWO) No. 62 to Contract No. E0070 with Engineering Management Consultant (EMC) for **Final Design Services for the Metro Red Line North Hollywood Corridor**, in the amount of \$283,580, which increases the CWO value from \$200,000 to \$483,580;
  - B) Execution of Contract Work Order No. 63 to Contract No. E0070 with Engineering Management Consultant (EMC) for **rail activation/system start-up services for the Metro Red line North Hollywood Corridor** in the amount of \$1,790,916; and
  - C) An increase to the Authorization for Expenditure (AFE) to Contract No. E0070 for the North Hollywood Corridor, in the amount of \$2,074,496, which increases the total AFE to \$93,947,486.

Ayes: Burke\*\*, Cragin, Fasana, Legaspi, Oropeza, Zarian  
 Noes: Yaroslavsky  
 Abstain: None  
 Absent: Alatorre  
 Conflict: Antonovich, Bernson, Knabe, Molina, Riordan

\*\*Selected in accordance with Rule of Necessity provision that allows for establishment of a quorum by drawing names of conflicted Directors.

30. APPROVED ON A ROLL CALL VOTE:

- A) agreement establishing **Joint Powers Authority between the Los Angeles Metropolitan Transportation Authority and Public Transportation Services Corporation** for the purpose of maximizing premium savings on workers' compensation insurance;
- B) Initial Bylaws of PTSC-MTA Risk Management Authority; and
- C) execution of all necessary documentation.

Ayes: Antonovich, Burke, Cragin, Fasana, Legaspi, Oropeza, Riordan  
Noes: None  
Abstain: Knabe  
Absent: Alatorre, Bernson, Molina, Yaroslavsky, Zarian  
Conflict: None

31. CARRIED OVER selection of the following 10 qualified **bond counsel firms to perform on an as-needed-basis for a period of three years:**

- 1. Curls Brown & Duran
- 2. Fulbright & Jaworsky
- 3. Hawkins, Delafield, & Wood
- 4. Kutak, Rock
- 5. Nixon, Hargrave, Devans & Doyle
- 6. Nossaman, Guthner, Knox, & Elliott
- 7. O'Melveny & Myers
- 8. Orrick, Herrington, Sutcliffe
- 9. Preston, Gates, & Ellis
- 10. Robinson & Pearman

32. APPROVED ON CONSENT CALENDAR:

- A) Issuance of additional **Prop A tax-exempt commercial paper** in an amount not-to-exceed \$25 million.
- B) Execution of required documents and selection of the providers of any necessary services, such as note counsel.



- 33. APPROVED ON CONSENT CALENDAR:
  - A) signing of petition forming the **Canoga Park Business Improvement District (BID)**; and
  - B) voting in favor of the Canoga Park BID.
  
- 35. RECEIVED AND FILED report on **Metro Blue Line Safety**.
  
- 37. APPROVED:
  - A. Award of Task Orders to the **CPA Audit Pool** Contract No. PS 2510-0071 A-N, and for an aggregate amount not-to-exceed \$1,622,000, extending the contract term from December 2, 1998 to December 1, 1999; and
  - B. adjusting the FY99 budget to increase Management Audit Services Department's budget by \$106,000 and increase the Proposition C 25% carry-over revenue projection by \$106,000.
  
- 38. ADOPTED **MTA Debt Policy** setting affordability targets as policy maximum.
  
- 39. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9 (a)
  - A. Thalheimer vs. L.A.C., et, al - LASC Case No. BC113690  
  
NO REPORT.
  - B. Avila v. MTA, Case No. LC040305  
  
\$180,000 SETTLEMENT.
  - C. Campbell v. MTA - Case No. LC038564  
  
\$175,000 SETTLEMENT.
  
- 40. Closed Session - Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(b)
  - One Case - NO REPORT.

41. APPROVED ON CONSENT CALENDAR:
- A) Staff provide status report on amending the **MTA Lapsing Policy for Federal Surface Transportation Program Local Funding (STP-L)**; and
  - B) The September 30, 1998 deadline be extended to December 31, 1998.
45. APPROVED ON CONSENT CALENDAR to :
- A) Hold a public hearing to receive input on the **MTA Americans with Disabilities Act (ADA) Complementary Paratransit Plan Update**;
  - B) Set a hearing date on Wednesday, December 2, 1998 at 10:00 a.m.; and
  - C) Appoint a Hearing officer.
46. APPROVED ON CONSENT CALENDAR award of a single source contract under RFP No. PS-3350-0367 to Motorola communications and Electronics, Inc., San Diego, for **Metro Freeway Service Patrol base station radio equipment**, for a firm fixed price of \$280,829.
47. CARRIED OVER ITEM A, APPROVED ITEM B:
- A) making a finding that purchase of the proposed goods and services in compliance with Public Utilities Code Sections 130232 or 130233 would not be an adequate method for the purchase of the prototype equipment or the modifications recommended; and authorize the procurement under Public Utilities Code Section 130236 which provides for the procurement of prototype equipment;
  - B) **AWARDED** a Firm Fixed Price (FFP) turn-key contract for goods and services to PB Farradyne, Inc., Los Angeles for the **Prototype Bus Signal Priority Pilot Project** to be deployed in at least one and up to three corridors, in an aggregate amount of \$4,481,365 (initial award of a firm fixed price contract for services in the amount of \$1,912,449; an allowance not-to-exceed \$2.5 million for procurement of hardware, software, equipment and devices; and contract options IIB and IIC to test additional technologies in the amount of \$68,916).

48. APPROVED ON CONSENT CALENDAR the establishment of **Proposition A and C Local Return Capital Reserve Account** for the purpose of purchasing transit buses from the cities of Torrance (lead agency), Los Angeles, Lawndale, El Segundo, Rancho Palos Verdes, and County of Los Angeles.
49. APPROVED ON CONSENT CALENDAR award of contract to Weslin Consulting Services under RFP No. PS-4340-0292 to conduct a **Bus Restructuring Study in the Southeast region of Los Angeles County** for a firm fixed price of \$387,141.
54. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) a month-to-month lease extension for nine months commencing July 1, 1998 with the City of Los Angeles, Department of Recreation and Parks, for the continued use of **Parcel B2-219 (Barndsall Park)**, on the Metro Red Line, Vermont/Hollywood Corridors (Segment 2), at a lease rate of \$17,100 per month with lease compensation not to exceed \$153,900.
55. APPROVED AS AMENDED:
- A) negotiation and execution of an Amendment to Contract No. 3369 with Parsons-Dillingham (P-D) subject to final negotiations **covering completion of Construction Management services** in an amount not to exceed ~~\$7,684,936~~ \$4,600,000 in support of Metro Red Line, Vermont/Hollywood Corridor (Segment 2B) and a contract extension through May, 1999 FUNDING ONLY the 68% provisional overhead rate until further action of the Board of Directors; and
  - B) an increase in the Authorization for Expenditure (AFE) of Contract No. 3369 in the amount of \$3,533,784.
56. APPROVED ON CONSENT CALENDAR Work Authorization Change Notice No. 126.0 on Contract C0321 with Tutor Saliba/Perini, J.V., **for additional quantities of reinforcing steel** on the Metro Red Line, North Hollywood Extension (Segment 3), in an amount not-to-exceed \$180,000, which is in addition to the \$600,663 previously approved by the MTA Board in March 1998, for a revised total contract amount from \$59,622,017 to \$59,802,017.

57. APPROVED ON CONSENT CALENDAR adoption of a **support position on Proposition 7 - Air Quality Tax Credit Initiative.**

60. WITHDRAWN - BERNSON MOTION that the CEO of the MTA be directed to take the necessary steps to include the **405/101 Freeway Interchange Project** as one of its top funding priorities, and to seek the necessary funding mechanism(s) to make the following capital improvements at the 405/101 Freeway Interchange, including, but not limited to:

(A) construction of a new lane on the northbound San Diego Freeway, from Mulholland Drive to Ventura Blvd.; and

(B) construction of a new lane on the transition road from the northbound 405 Freeway to the eastbound 101 Freeway;

FURTHER MOVE, that the CEO be directed to provide a status report to the Board within 30 days regarding the efforts of staff to develop the appropriate capital improvements to mitigate traffic congestion in this area.

61. APPROVED AS AMENDED YAROSLAVSKY/ANTONOVICH MOTION - that the MTA staff work with California Transportation Commission (CTC) and Caltrans to CONSIDER a plan to fund **405/101 interchange AND THE OTHER improvement projects out of Caltrans 25% share of SB45 funds;**

that MTA staff work with Caltrans to investigate the feasibility of using State Highway Operations Protection Program (SHOPP) funds for appropriate short-term and long-term interchange improvements; and

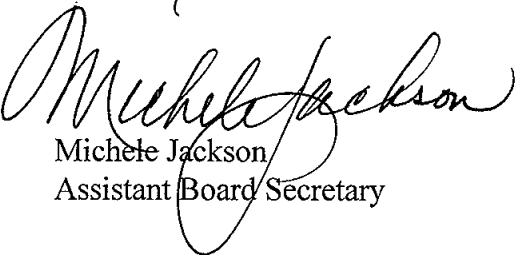
that the MTA participate in this project through the 1999 Call for Projects process contingent upon a funding commitment by the state; and

THAT STAFF REPORT BACK IN 30 DAYS WITH A LIST OF POTENTIAL PROJECTS.

REFERRED TO NOVEMBER BOARD MEETING: KNABE MOTION - directing consultation with the Los Angeles County's Chief Information Officer, regarding strategy planning and reporting on MTA's Y2K compliance.

RECEIVED PUBLIC COMMENT.

Prepared by: Christina Lumba-Gamboa  
Recording Secretary



Michele Jackson  
Assistant Board Secretary