



Minutes

LOS ANGELES COUNTY TRANSPORTATION COMMISSION AUGUST 28, 1991

The regular Commission meeting was called to order by Chairman Ray Grabinski at 1:30 p.m. at the Board of Supervisors' Hearing Room at the Hall of Administration.

Members present were:

Councilman Ray Grabinski
Mayor Pro-Tem Jacki Bacharach
Councilmember Judy Hathaway-Francis
Councilman Richard Alatorre
Jim Tolbert
Gerry Hertzberg, alternate for Supervisor Molina
Mas Fukai, alternate for Supervisor Hahn
Marv Holen, alternate for Supervisor Edelman
Nick Patsaouras, alternate for Supervisor Antonovich
Sara Hirsch, alternate for Supervisor Dana
Ray Remy, alternate for Mayor Bradley
Lew Bedolla, for Jerry Baxter, Ex-Officio State of California

Staff members present:

Neil Peterson, Executive Director
David Kelsey, Assistant County Counsel
Kathy Torigoe, Executive Secretary

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CLOSED SESSION

At 1:35 p.m., the Commission recessed into closed session pursuant to Government Code Sections 54956.8/54956.9, to discuss real estate matters and pending litigation.

- o Real Estate Items:
 - a. SPTC Right-of Way Acquisition
 - b. B2-117 - Bank of America
 - c. AS535 - Farr Company
 - d. Metro Green Line, Regional Office Space
 - e. Metro R/W Protection parcel No. PA005 - Van Nuys Drive-In Theater
 - f. Railroad Right-of-Way Acquisition - Status Report
 - g. Foothill Transit - Litigation Update

At 1:45 p.m. the meeting was reconvened. The Commission approved Just Compensation for the following:

A. Metro Rail Green Line

AS535	Farr Company, a California Corporation	\$60,000.00 + \$1,087.50 per month rental not to exceed 24 months or \$26,000 total.
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B. Metro Rail Red Line

B2-117	Bank of America	\$8,165,000.00
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C. Van Nuys Right-of-Way (Van Nuys Drive-In Theatre)

Louise Mickel	2242-001-013	\$12,460,000.00
L & M Investments	2242-001-010	\$11,200,000.00

Mr. Robert Abernathy spoke on the Sepulveda Drive-in acquisition.

George Muhlsten, Latham & Watkins representing National Prudential spoke on concerns regarding the Sepulveda Drive-in acquisition.

PRESENTATION OF AWARD

The August Metro Award was presented to the Pomona Valley Transportation Authority on their new approach to transportation information and community outreach -- THE TRANSIT STORE. Mr. George Sparks, Administrator for Pomona Valley Transportation Authority, accepted the award.

PUBLIC HEARING re: Necessity for the Acquisition of Fee Interest to that Certain Real Property - Owner: Chevron U.S.A., Inc., Parcel: R23-R21-AS543 (Green Line)

Mr. Kelsey indicated that after evidence has been received, the Commission will be asked to approve the Resolution of Necessity for the above property. The resolution requires eight votes.

Mr. Kelsey asked the following questions which were answered by Mr. Wiley:

Mr. Kelsey: Will you state your name and position, please?

Mr. Wiley: Mr. James Wiley, Senior Manager of Real Estate for the Los Angeles County Transportation Commission.

Mr. Kelsey: Would you describe the property to be acquired and explain why it is necessary to this project.

Mr. Wiley: The property is a 252 square foot piece of a larger parcel and it is located at Mariposa Avenue and Nash Street. It is needed as a pad for a small sub station that will serve the Green Line Station to be located in that general vicinity.

Mr. Kelsey requested that the staff report be received into evidence.

Seeing there were no additional witnesses who wished to testify, Mr. Kelsey indicated it would be appropriate to approve the staff recommendation and adopt the Resolution of Necessity. Motion was moved and seconded. Without objection, motion was carried.

APPROVAL OF MINUTES - Minutes of July 24, 1991 - Minutes were approved with corrections as submitted by Ms. Bacharach. Page 35 of the minutes stated that Ms. Bacharach attended a conference, she would like it corrected to read that she attended a planning meeting for a conference. Also on page 31, the Private Sector Proposal for L.A. County, she would like it to be rewritten and clarified by staff as to what was approved and what was not approved.

Clarification of Item #34 Private Sector Proposal for Los Angeles County, July 24, 1991 minutes, as requested by Ms. Bacharach.

34. **Private Sector Initiative Proposal** - The following recommendations made by the PMIC at its regular meetings on June 19, 1991 and July 17, 1991 and at its special workshop on July 1, 1991 were presented to the the Commission for approval:
 - a. Staff should release two (2) requests for proposals (RFP'S) asking supplier/developer teams to provide services for financing, design, construction, supply, installation and operation of specialized rail transit systems in Los Angeles County.
 1. The first RFP should address a system which would operate between Los Angeles International Airport (LAX) and the Palmdale Regional airport. Proposers responding to this RFP may, at their option, also propose on another system in the San Fernando Valley which would operate between the Universal City/North Hollywood and Warner Center/Canoga Park areas on either of two alignments.
 2. The second RFP should address a system which would operate between the Universal City/North Hollywood and Warner Center/Canoga Park areas on either of two alignments.
 - b. Find that: (1) In anticipation of passage of the Katz Bill (AB 2057), the Commission finds that pursuit of either or both of the above-mentioned projects is in the best interest of the public; and, (2) Absent the passage of the pending Katz Bill (AB 2057), that the Commission finds that the procurement of either or both of above-mentioned rail projects qualifies under subdivision (b) of Section 130238 of the Public Utilities Code and, therefore, directs that the procurements be conducted through competitive negotiations under Section 130238 (c). Note: Eight affirmative votes are required for there findings.

- c. Make a formal determination that the supplier/developer teams which responded to the RFIO represent an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirement of the procurements. Note: Eight affirmative votes are required for this determination.
- d. Staff should work with the City of Los Angeles Department of Airports (DOA) in developing a cost sharing formula and a Memorandum of Understanding for DOA funding of a portion of the FY 1992 costs associated with pursuit of the LAX/Palmdale project.
- e. The southern end of the baseline alignment described in the LAX/Palmdale project Request for Proposals (RFP) should be revised. Coming south, the alignment should stay in the median of the San Diego Freeway (I-405) until it reaches the vicinity of Century Boulevard where it should turn west and access the Airport area.
- f. The sections in the RFP's Technical provisions describing the minimum acceptable cruise speed (60 MPH) and the information required from suppliers to demonstrate that a technology is "Service Proven" is acceptable and should not be changed.
- g. The Proposal Evaluation Methodology should include a means for proposers to earn "Bonus Points" for innovative ideas.
- h. The Executive Director should work with the author of Assembly Bill 2057 to amend the bill's language so as to afford the Commission more flexibility in the award of contracts for the LAX/Palmdale and East/West rail line projects.
- i. Staff should indicate in the first RFP that if the line cannot be constructed in its entirety between LAX/Palmdale, Department of Airport financial support may not be forthcoming for a shorter segment. Also, no schedule dates should be proposed by staff as possible opening dates for shorter segments.

- j. Staff should return to the PMIC at its August 1991 meeting with more information on how the \$700,000 requested for engineering investigations and proposal evaluation services would be distributed on a task by task basis. Staff should also report on how the RCC and others will support the proposal evaluation effort.
- k. No funds should be authorized at this time for EIR/EIS work on the LAX/Palmdale Project. However, staff may come back to the PMIC later in the proposal evaluation/supplier selection process for reconsideration of this item.

Assemblyman Katz author of Assembly Bill 2057, addressed the Commissioners on this item.

Mr. Remy moved approval, Mr. Patsaouras seconded. Without objection, motion was carried.

CHAIRMAN'S REPORT

- a. Report of Results of Commission Retreat

Three key follow-up actions emerged:

- 1. The Commission needs to adopt rules and regulations for its meeting.
- 2. Establish an Ad Hoc Committee on policy and Procedures for conducting business
- 3. There also was general agreement that the Commissioners present at the retreat would make a major effort to talk to the commissioners who were not present and convince them that they should participate in the next retreat.

- b. Appointment of Ad-Hoc committee for LACTC Procedure

An Ad-Hoc Committee was appointed comprised of Ray Remy, Jacki Bacharach, Judy Hathaway-Francis and Ray Grabinski to work with staff in developing a draft handbook.

Mr. Peterson read the following:

Parties of interest who have made a contribution of \$250.00 or more in the past twelve months to any members of the Commission are asked to come forward and state for the record the Commissioners to whom such contribution was made and to identify the item involved.
(None)

CONSENT CALENDAR (Discussion at Commissioner or Public Request)
(Items 1 -34)

Legislative and Intergovernmental Services Committee (LISC)

Mr. Remy made a motion to approve the following three items, seconded by Ms. Bacharach. Without objection, motion carried.

1. **SB 614 (Hill): Relating to Bond Proceed of Local Agencies -**
Adopted staff recommendation to support SB 614.
2. **Award of Contract for Personal Computer Hardware and Software Requirements -** Approved the staff recommendation to contracting authority for the purchase of standard computer hardware and software in an amount not-to-exceed \$694,570 for hardware and \$250,850 for software. APMC Computer Systems Division and Ultratech Resources Incorporated have been identified as the lowest and most responsive bidders to provide the hardware and software needs respectively, based upon the Request for Quotation which was sent to 51 suppliers of which 32 responded. Ultratech is a certified DBE

(representing 27% of the contract value), APMC is a minority-owned company.
3. **Participation in California Energy Commission Light Duty Methanol Fuel Flexible Vehicle Program -** Approved staff recommendation to adopt the resolution to participate in the California Energy Commission Light-Duty Methanol Fuel Flexible Vehicle Program and authorize the Executive Director to execute documents to implement the purposes of this program.

Planning and Mobility Improvement Committee (PMIC)

Ms. Bacharach reported on the PMIC meeting of August 26. She moved approval on Items #4, 5, 6, 7, 8, 9, 11 and 12, with the exception of #10, which was seconded seconded by Mr. Remy. Without objection, motion was carried, with an abstention by Mr. Alatorre on item #4.

4. **Private Sector Initiative - Authorization for Consultant Assistance** - Approved staff recommendation with the following changes:
 - a. Recommendation #1 - Staff should return this recommendation to the PMIC in January, 1992, after proposals have been received and the Commission has decided that the proposals are viable.
 - b. Recommendation #2 - Tasks 1, 2, and 3, with a cumulative value of \$500,000 are approved. Task 4, Assistance with competitive negotiations and with an estimated value of \$200,000, was held. This task should be brought back to the PMIC next spring along with a listing of firms recommended for competitive negotiations.
5. **Update on Union Station** - Recommended that staff provide an update on the negotiations to date.

Motion was made by Mr. Alatorre authorizing that the Executive Director be directed to work with representatives of Catellus, authorizing access of, Commission-sponsored commuter rail service at the Union Station Passenger Terminal. The agreement shall include access to the commuter rail and light rail platforms by means of pedestrian access easements from Alameda Street and Vignes Street to the passenger tunnel. The terms of agreement shall provide the Catellus provide access to the Commission's commuter rail service on a non-rent or non-fee basis, exclusive of operating expenses. The Executive Director shall report to the Planning and Mobility Improvement Committee on the progress of such agreement, within 30 days.

The Executive Director is further directed to work with Catellus on the development of a comprehensive transportation infrastructure improvement plan and financing program, for the Union Station area. It is the intent of Catellus and LACTC to provide a first class transit facility at Union Station. This will require additional capital improvements to Union Station. The Parties agree to share these costs on a beneficial use basis. Within 30 days, the Executive Director is requested to report to the Planning and Mobility Improvement Committee on the progress of the plan and program's development.

6. **Greenways Demonstration Project** - (Deferred to the next meeting))
7. **Prop. A Local Return - past Policies on Lapsing Funds** - Authorized the Executive Director to reallocate lapsed Local Return funds on a discretionary basis to cities for use in eligible transit programs of regional significance (e.g. Commuter Rail, ADA requirements, coordinated paratransit). Only those cities that are not lapsing Local Return funds would be eligible for reallocation.

The Committee further directed that the reallocation of lapsing funds takes the form of an incentive program.

The Committee did not approve the second staff recommendation, which was to authorize the Executive Director to ensure the conformity of the Proposition A Local Return lapsing funds policy with the eventual Proposition C timely use of funds provision, since the Proposition C requirements could be too restrictive to apply to Proposition A.

However, the Committee agreed to revisit the latter recommendation, after staff gathers further information which demonstrates:

- a. that reducing the timely use provision under Proposition A Local Return policy in conformity with Proposition C will not onerously burden city budgets or impede local transportation planning; and
 - b. that staff have adequately assessed the merits of requiring cities to encumber versus expend Local Return funds within the specified period.
8. **Amendment to Municipal Area Express Memorandum of Understanding** - Approved to amend the MAX MOU to correctly reflect the start of service date, and to extend the end of service date by a corresponding time period as shown on Attachment A. The new service dates will be January 1, 1990 to March 31, 1992 instead of July 1, 1989 to June 31, 1992. Administrative expenses incurred and reimbursed prior to the start of service will be deducted from the first quarter's payments.

9. **FY 92 Bus Electrification Project** - The Committee unanimously approved staff recommendation as follows:
 - a. To amend the FY 1992 transit tip to include the project.
 - b. Authorize the Executive Director to request a UMTA Letter of No Prejudice for potential federal funding on this project pending the approval of the New Surface Transportation Act.
 - c. Authorize the Executive Director to execute a Memorandum of Understanding with SCRTD and allocate \$8 million for the approved work program.
 - d. Approve \$8 million from the Prop. A Discretionary interest Account to fund the Bus Electrification Project on a loan basis until the funding options have been approved.

The Committee requested the staff, as it begins negotiations with jurisdictions to be clear about the work which is covered in the Base budget for a particular line and to identify any enhancements which would be outside of the Base budget and require local contribution.

11. **Amendment to Wilbur Smith & Associates Contract** - Approved staff recommendation to approve an increase in the Wilbur Smith & Associates contract of \$5,321.83. The final contract ceiling will be \$55,321.83.
12. **Establishment of Specialized Transportation Advisory Committee** - Approved recommendation to:
 - a. Approve establishment of a Specialized Transportation Advisory Committee to serve as both the ADA Advisory Committee and the Section 504 Advisory Committee.
 - b. Authorize staff to recruit up to 25 interested and affected individuals to serve on the Specialized Transportation Advisory Committee.

Finance and Programming Committee (FPC)

Mr. Tolbert reported on the FPC meeting of August 26 and approval on all of the following items, seconded by Ms. Bacharach. Without objection, motion was carried.

13. **Approval of Funding for Seismic Monitors for Metro Blue Line Facilities** - Authorized the Executive Director to disburse funds from the Proposition A Discretionary Interest account in an amount not-to-exceed \$120,000 for the Metro Blue Line facilities seismic monitors. Include the design and installation of the monitors which the Metro Green Line on-going contract, H900, which has similar work under design right now. The amount will be transferred to the metro Green Line budget accordingly.
14. **Interim Amendment to Contract with California Highway Patrol (CHP) for Call Box Answering Services (SAFE ITEM)** - Authorized the Executive Director to issue an interim amendment to Contract No. TP-016 with the California Highway Patrol to increase the expenditure cap to an amount not-to-exceed \$2.5 million to reimburse the CHP for the FY 1991-92 cost of telephone operators and equipment necessary to answer and respond to call box calls from motorist requiring roadside assistance.
15. **Proposition A Incentive Allocation for the City of Beverly Hills** - Authorized staff to disburse \$161,949 in Proposition A Incentive funds for FY 1990-91 and FY 1991-92 to the City of Beverly Hills for their participation in the Hollywood/Wilshire/Westside Subregional system.
16. **Contract Amendment for Transit Maintenance Consultants (TMC) for Vehicle Inspection Services** - Approved a contract amendment with Transit Maintenance Consultants in the amount of \$53,195. This amendment would bring the total contract value to \$102,195.
17. **Contract Amendment with Pat Piras Consulting for Phase II of the Antelope Valley Study** - Approved a contract amendment with Pat Piras consulting in the amount of \$62,500 for phase two of the Antelope Valley Transit study.

18. **Memorandum of Understanding (MOU) with InfoLine for Paratransit Referral Services** - Authorized the Executive Director to execute a Memorandum of Understanding with Infoline for up to \$120,000 to provide paratransit information services and maintain the paratransit provider database.
19. **Contract Amendment with A Menninger Mayeda Alternative (AMMA) for Paratransit Referral Services** - Approved contract amendment with A Menninger Mayeda Alternative (AMMA) in the amount of \$34,810, bringing the total paratransit database contract with AMMA to to \$59,124, to revise paratransit database to meet the needs of staff and others using it to meet the information requirements of the Americans with Disabilities Act and the Social Services Transportation improvement Act (AB 120).
20. **Federal Aid Urban (FAU) Cash Management Program - Prop. C Interest List** - Approved the following:
 - a. Approved the payment authorizations for ready-to-go highway projects identified in Attachment C from LACTC Proposition C interest revenues (Total: \$9.9 million);
 - b. Approved the transfer of \$4.8 million Proposition A Rail Development funds budgeted for the Green line extension to the Federal-Aid Urban (FAU) Cash Account for the construction of the Aviation railroad Bridge Project, contingent upon the Rail Construction Corporation (RCC) Board approval; and
 - c. Stipulated that 20% of local return monies of Prop. C interest must be reserved for the cities and returned to them as Prop. C payments when Prop. C is released.
21. **Transportation Development Act (TDA) Article 3 Bicycle Funding - Preliminary** - Adopted staff recommendation with the following exception:

The funding criterion "Commuter Status" will be changed to "Commuter Usefulness."

The Committee further instructed staff to revise the proposed project score sheet to indicate specific point values assigned to "Local Funding Commitments" and Project Readiness" and reduce the point value assigned to "Commuter Usefulness." Staff will present the revised score sheet as an information item at the September, 1991 Finance and Programming Committee meeting.

22. **Funding Share and Budget for Southern California Regional Rail Authority** - Approved its share of the SCRRA budget (shown under "Los Angeles" column on attached exhibit) and authorized the Executive Director to make adjustments to the LACTC FY 91/92 Operating Budget to reflect execution of the Joint Powers Agreement.
23. **Cost Sharing for Right-of-Way Protection Consultants** - Authorized the Executive Director to enter into agreements as necessary with Orange, Riverside, San Bernardino, and San Diego Counties (or their agencies) to permit sharing of legal and consulting costs associated with the Sante Fe negotiations.

RAIL CONSTRUCTION CORPORATION CONSENT CALENDAR

25. **Contract R85-D0006, Amendment - Coopers and Lybrand review of RCC Organizational Structure** - Approved staff recommendation for approval of an amendment to add \$5,000.00 to the contract for a new total contract ceiling of \$54,800.00. Also, authorized the Executive Director to:
 - a. Proceed with the award of Contract C0400, to the recommended Contractor, Robert E. McKee Construction Services. Staff has determined that the protest filed by United Engineering Technology, Inc. (UET) is invalid per the Fair Subletting And Subcontracting Practice Act, Section 4101 through 4106, and Section 526A of the California Code of Civil Procedures.

Total Contract Award	\$19,320,000.00
15% Contract Reserve	2,222,000.00
Total Commitment Request	\$21,542,000.00
26. **Metro Red Line, Segment 1: Contract A175, Change order No. 116 - Tutor-Saliba-Perini, J.V.** - Approved Change Order No. A175-CO-116 in the amount of \$838,759.35, bringing the total contract amount to \$29,776,736.35. This amount represents the final negotiated contract quantities. This change order is within contract forecasted.

27. **Metro Red Line, Segment 2: Vermont/Sunset Station Joint Development** - Approved RCC concurrence in the evaluation that the Vermont/Sunset Station is an opportunity site for joint development. Also, that the Master Plan and feasibility analysis currently underway be received by the Board prior to November 1, and that the design of the station be placed on hold until that time. The cost implication for redesign of the station entrance is a minimum of \$270,000 to \$430,000 and that the associated design cost be budgeted in a separate budget and not part of the existing project. Depending on the impact of the reconfiguration of the station entrance on construction, the costs could be significantly higher. The Board concurred that the recommendation for design modifications come back through the RCC to the LACTC.

Ms. Bacharach approved with the exclusion of "the recommendation is that it not come out of the project budget" and should be addressed as part of the Joint Development Budget assignment given to staff.

28. **Metro Blue Line: Contract No. C117, Flower Street Subway, and C140, LACBD Approach - Homer J. Olsen, Inc.** - Approved the Mutual Release and Settlement Agreement negotiated by RCC staff with Homer J. Olsen, Inc. The final settlement amount of \$63,887,347 includes the sum of \$22,480,219.00 for Contract C117 and \$41,407,128.00 for Contract C140.
29. **Metro Blue Line: Contract No. C117, Change Order No. 35 and Recommendation for Contract Close-Out - Flower Street Subway - Homer J. Olsen, Inc.** - The Commission approved the staff recommendation to:
- a. Approve Change Order No. 35 in the amount of \$389,822.00, to provide labor and materials necessary to perform stock piling of retained back fill at a storage yard.
 - b. Approve a 14 calendar day time extension to the existing contract completion date, to a revised completion date of October 22, 1989.
 - c. Approve contract acceptance of the subject contract complete as of January 19, 1990. The Notice of Completion was filed with L.A. County Recorder's office on March 27, 1991.

- d. Authorize the release of the contract balance of \$389,822.00 upon contract acceptance and to release contract retention funds in the amount of \$611,634.00.
 - e. Approve the waiver of liquidated damages; the waiver of all insurance claims, 3rd-party betterment assessment charges; and all Government Code Claims as agreed per the Mutual Settlement Agreement between Homer J. Olsen and the Commission concerning this contract.
30. **Metro Blue Line: Contract No. C140, Change Order Nos. 134, 154, 155 and Recommendation for Contract Close-Out - LA/CBD Approach - Homer J. Olsen - Approved staff recommendation to:**
- a. Approve Change Order No. 134 in the amount of \$1,923,355 for the L.K. Comstock claim.
 - b. Approve Change Order No. 154 in the amount of \$3,031,516 for the Homer J. Olsen's end of job claim as negotiated by the RCC staff.
 - c. Approve Change Order No. 155 in the credit amount of <\$292,240> for all pay items deleted from the contract.
 - d. Authorize an increase in the Authorization for Expenditures for the sum of \$1,407,128 million to cover all costs associated with this claim.
 - e. Approve the release of the contract balance including the retention amount of \$612,838, held in escrow as securities at the Bank of California.
 - f. Approve the acceptance of the subject contract complete as of April 7, 1990. The Notice of completion was filed with the L.A. County Recorder's office on March 27, 1991.
 - g. Approve the waiver of liquidated damages; the waiver of all insurance claims, 3rd-party betterment assessment charges; and all Government Code Claims as agreed per the Mutual Settlement Agreement between homer J. Olsen and the Commission concerning this contract.

The work under Contract C140 includes at-grade construction of dual-track line and station structures along Washington Boulevard, Grand Avenue and San Pedro Street for the Metro Blue Line (LB-LA RTP).

The original contract time for completion of the work was set at 600 calendar days from the commencement date in the Notice to Proceed. The Commencement date was set to be February 25, 1988.

The contract work was substantially completed on April 7, 1990 within the extended contract time limit. All work including punchlist items and submittal of as-builts and documentation was completed on May 9, 1991.

31. **Metro Red Line, Segment 1: Contract No. A187, Change Order No. 094.1 - Tutor-Saliba Corporation** - Approved Change order No. A187-C0-019 in the amount of \$516,093.00 for a total contract value of \$15,732,044. This amount represents the costs associated with Plenum Enclosure Design Revision (to include latest design revisions, details to resolve mezzanine concrete slab conflict and mechanical and structural systems, and final resolution of all associated design changes). Staff also recommends that the Commission approve an increase to the AFE amount by \$517,000. This change order is within the contract forecast.
33. **Metro Red Line, Segment 1: Contract No. A175, Change Order No. 114 - Tutor-Saliba/S.J. Groves, J.V.** - (Deferred to the next meeting.)
34. **Metro Red Line, Segment 1: Contract No. A710, Escalators and Elevators, Change Order** - Authorized negotiations and approved a change order to procure additional escalators. Change Order not-to-exceed \$1.2 million will increase the total contract value to \$14,128,289. Staff also recommended that the Commission approve an increase to the AFE amount by \$1.2 million. This increase in AFE will enable staff to process this change to the contract.

Ms. Hathaway-Francis moved approval of above items of the Rail Construction Corporation with the exclusion of Item 33, seconded by Ms. Bacharach. Without objection, motion was carried.

FURTHER DISCUSSION ON CONSENT CALENDAR

10. **Approval of Contract with Commuter Transportation Services -** Authorized the Executive Director to enter into a contract with CTS for FY 1991-92 for an amount not-to-exceed \$3,849,300 and to approve the attached Scope of Services to be contained in that contract.

The following persons appeared before the Commission:

Lawrence Jess Glazer, Rideshare Software Industry Association
Don Torluemke, Ekistic Mobility Consultants
Written statement submitted by Richard Ribuer, TDM Associates

Mr. Hertzberg moved approval of the recommendation, seconded by Ms. Bacharach. Without objection, motion was carried.

Mr. Hertzberg moved for reconsideration of Item #24, seconded by Ms. Hathaway-Francis. Motion was carried with a no vote by Ms. Bacharach.

24. **Metro Green Line: Award contract C0400 - Yard and Shops - Robert E. McKee, Inc. -** Authorized the Executive Director to:
 - a. Proceed with the award of Contract C0400, to the the recommended contractor, Robert E. McKee Construction Services McKee. Staff has determined that the protest filed by United Engineering Technology, Inc. (UET) is invalid per the Fair Subletting and Subcontracting Practice Act, Section 4101 through 4106, and Section 526A of the California Code of Civil Procedures.

Total Contract Award	\$19,320,000.00
15% Contract Reserve	2,222,000.00
Total Commitment Request	\$21,542,000.00

David Sievers, Project Manager/Green Line, and John Mack, Manager of Contract Compliance, gave a briefing on the issue concerning a potential DBE subcontractor who had submitted a bid to McKee and had submitted a protest regarding the fairness of the consideration of McKee.

Barbara Gatewood, Contract Administrator, addressed the contract issue.

The following appeared before the Commission:

Philip Putnam, attorney for Monteleone & McCrory
representing UET
Moe Michail, representing UET
Fred Bennett, Counsel for Robert McKee, Inc.
Geoffrey Thomas, representing PCL Construction Services,
Inc.

Mr. Hertzberg moved approval, seconded by Ms. Bacharach.
Motion was carried with an abstention by Mr. Patsouras and
Ms. Hirsch.

32. **Metro Red Line, Segment 1: Contract No. A141, Change Order No. 094.1 - Tutor-Saliba/S.J. Groves, J.V. - Approved Change Order No. A141-CO-094.1 in the amount of \$763,592.65 for a total contract value of \$78,311,238.30. This amount represents the costs associated with PC-109, the Contractor's claim for extra work related to excessive soil loads on the Civic Center Station excavation support system and for installation of an intermediate (B') level of support struts. Included in this amount is a lump sum of \$195,000 for costs incurred by Wagner construction and reimbursed in a previous cost plus change notice.**

Mr. Peterson stated this was taken off the consent calendar because of some misinformation and asked that it be voted on as a consent calendar item.

Ms. Bacharach moved approval, seconded by Mr. Hertzberg.
Without objection, motion was carried.

35. **Metro Green Line: Contract No. H1200, Traction Power supply System - Recommended that the Executive Director be authorized to award Metro Green Line, Contract No. H1200 - Traction Power Supply System to the lowest dollar per point, responsive and responsible proposer, Mass Electric Construction. The commitment for this Contract is as follows:**

Total Contract Award:	\$18,796,123.00
15% Contract reserve Fund (excluded from Contract award amount):	\$ 2,819,418.00
Total Commitment Request:	\$21,615,541.00

Dave Sievers, Project Manager/Green Line, briefly summarized the issue.

Mr. Augustine Zuniga, with County Counsel, mentioned that there was an agreement with Kingston's legal counsel, who is the firm that has the stay, that we would not sign the agreement, that the Board can act and award the contract subject to three conditions: one is that they would not execute it, two is that they will wait until the court's decision is made and three that it is subject to any protest that may exist. They were in agreement with that. The court's actual order says the Commission can do everything up to final award, but cannot finalize award.

Ms. Bacharach moved approval subject to those conditions, seconded by Mr. Patsaouras. Without objection, motion carried, with an abstention by Mr. Alatorre and Mr. Tolbert.

36. 30-Year Integrated Transportation Plan - This will be discussed at a workshop on September 11.
37. Congestion Management Program - PMIC took action to release the final draft congestion Management Program to the Southern California Association of Governments for regional consistency review.

Ms. Bacharach moved approval, seconded by Mr. Hertzberg. Without objection, motion was carried.

EXECUTIVE DIRECTOR'S REPORT

38. Commissioner Travel Request

Commissioner Ray Grabinski has been asked to participate in a meeting at the White House on September 6, 1991.

Mr. Hertzberg moved approval, seconded by Ms. Bacharach. Motion was carried with an abstention by Mr. Patsaouras. The following Commissioners expressed an interest in attending the American Public Transit Association's Annual Meeting in Toronto, Ontario on September 29 - October 3, 1991:

Jacki Bacharach
Harold Croyts
Ray Grabinski
Judy Hathaway-Francis
Robert White

Mr. Tolbert moved approval, seconded by Mr. Fukai.

Roll Call Vote

Yes: Fukai, Holen, Remy, Hathaway-Francis, Bacharach, Tolbert,
Grabinski

No: Hertzberg

Abstain: Hirsch, Patsaouras

Motion was carried.

39. Citizens Advisory Committee Appointment

Commissioner Dana nominated William Gemmill to the Citizens Advisory Committee of the Commission. He requested confirmation of the appointment.

Mr. Patsaouras moved approval, seconded by Mr. Tolbert. Without objection motion was carried.

40. Executive Director's Monthly Report - Report was received and filed.

41. Notice of Meetings - A LACTC Workshop is scheduled on September 11, 1991, after Joint SCRTD/LACTC Meeting. Also on September 25, 1991, after the Commission meeting, there are plans for a dinner with the Municipal Operators and their Board Members.

INFORMATION ITEMS

42. Federal Update: Federal Surface Reauthorization report

43. Legislative Matrix

44. Blue Line Ridership report - Agreement on Methodology - July Statistics

45. Freeway Service patrol Status Report

46. Report on the PVRTA Transit Store

47. Proposition C Guidelines

48. FY 1990-91 Financial Quarterly Report (4th Quarter)

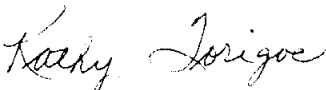
49. FY 1992 Budget Goals and Objectives
50. Monthly Treasurer's Report on Cash Flow and Investments
51. Report on Administration of Legal Services and Contracts

PUBLIC COMMENT

Greg Roberts spoke on public transportation
Tim Roberts spoke regarding his claim for damages against the
Commission
John Walsh spoke regarding the 30-Year Integrated
Transportation Plan

ADJOURNMENT

Meeting adjourned at 5:03 p.m.


KATHY TORIGOE
Executive Secretary

Attachment
KYT:yr