

# MINUTES



LOS ANGELES COUNTY TRANSPORTATION COMMISSION 403 West 8th St., Suite 500, Los Angeles, CA 90014 (213) 626-0370

## LOS ANGELES COUNTY TRANSPORTATION COMMISSION

JANUARY 25, 1989

The regular Commission meeting was called to order by Chair Reed at 12:00 noon in the Board of Supervisors' Hearing Room at the Hall of Administration.

Members in attendance were:

Council Member Christine E. Reed  
Supervisor Peter Schabarum  
Mayor Jacki Bacharach  
Councilman Ray Grabinski  
Councilman Nate Holden  
Marcia Mednick  
Mike Lewis, alternate to Supervisor Schabarum  
Walter King, alternate to Supervisor Hahn  
Richard Callahan, alternate to Supervisor Edelman  
Barna Szabo, alternate to Supervisor Dana  
John La Follette, alternate to Supervisor Antonovich  
Ray Remy, alternate to Mayor Bradley  
Jerry Baxter, Ex-Officio for State of California

Staff members present:

Paul Taylor, Acting Executive Director  
David Kelsey, Assistant County Counsel  
Kathy Torigoe, Executive Secretary  
Barbara Norris, Senior Administrative Secretary

Chair Reed indicated that this meeting was called early for the purpose of an executive session on a personnel matter. Mrs. Bacharach moved, seconded by Mr. Remy, for the Commission to recess into closed session for the purpose of discussing a personnel matter.

Roll call was taken again at 1:25 p.m. when the Commission reconvened. Mr. Mike Lewis is asked to attend the meeting for Supervisor Schabarum.

Chair Reed reported that the Commission had been in an executive session with regard to a personnel matter. In that executive session, the Commission extended an offer of employment for the position of Executive Director to Neil Peterson of Seattle, Washington. He had accepted the Commission's offer and will start on February 27. The Commission has directed its subcommittee to meet with the County Counsel to draft the employment contract for Mr. Peterson, which will be on the agenda for the next meeting. Mrs. Reed introduced Mr. Peterson who met the press.

#### CONSENT CALENDAR

Mrs. Bacharach requested that the Commission hold Item 3 for further discussion and asked that Items 9a and 9b be discussed at the beginning of the meeting. The public requested that they be heard on Items 2 and 5.

Mrs. Bacharach moved for approval, seconded by Mr. Grabinski, to approve consent calendar Items 1, 4, 6, 7 and 8.

Prior to voting, Mr. Taylor read the following statement pertaining to Item 6:

"If anyone present is involved in any non-competitively bid contract award on today's agenda and has made a contribution of \$250 or more in the past 12 months to any member of the Commission, please rise and state for the record the Commissioner to whom such contribution was made and to identify the item involved." (None)

1. Approval of Minutes of December 14, 1988
4. Streets & Highways Committee recommended approval of a 3-1/2 year loan of \$6.5 million of FAU obligational authority with the City of Irvine in return for \$6.5 million of cash dedicated for transportation purposes, and also authorized the Acting Executive Director to approve the loan agreement.
6. Transit Committee recommended awarding to the firm of Wilbur Smith & Associates, in conjunction with Manuel Padron & Associates and Sharon Greene & Associates, the contract for consulting services related to the Central Los Angeles Year 1995 Transit Study. It also recommended authorization for the Acting Executive Director to enter into a contract with

Wilbur Smith & Associates for the work for an amount not to exceed \$144,454. (An additional 10% is requested to cover unforeseen needs but will not be included in the contract at this time.)

7. Transit Committee recommended approval of the Joint Powers Agreement and its membership in the LOSSAN Rail Corridor Agency.
8. Transit Committee recommended approval of the LACTC FY 1990-92 Short-Range Transit Plan/Transportation Improvement Program Guidelines and review schedule.

Hearing no objection, Consent Items 1, 4, 6, 7 and 8 were approved.

#### STAFF OR COMMITTEE REPORTS .

- 9a. and 9b. - Mrs. Bacharach indicated that the Rail Construction Committee met before the Commission meeting and decided to hold over these items because it was found that the bids for the Long Beach Loop are over the budget and the Committee decided that they would like to spend the next month discussing some of these concerns with the City of Long Beach and also answering some questions about the low bid proposer that were raised at the committee meeting. The Committee was deadlocked by a 2-2 vote at its meeting today.

Mrs. Reed indicated that since no action was taken by the RCC and that this issue will be returning to the Commission at its next meeting, there would be no need to hear from the public. She asked for any discussion from the Commissioners.

- 9a. Long Beach Loop Contract No. R01-T01-C3270

Mr. Grabinski indicted that by not taking any action today on this item, the schedule would be affected and the project will be delayed by one month. He moved, seconded by Mr. King, for approval of 9a (C3270) to allow for public comment.

Mr. Taylor indicated that the staff recommended authorizing the Acting Executive Director to award the Long Beach Loop Contract No. R01-T01-C3270 to Herzog Contracting Corporation, the lowest responsive responsible bidder, whose DBE/WBE percentage is 28.5/3.5. The contract involves construction of trackwork, station foundations, and other appurtenances.

The total estimated contract price is \$18,982,152. A 10% contract reserve fund of \$1,898,000 is also recommended to cover the cost of changes and extra work, but will not be included in the contract award amount.

The following persons appeared before the Commission to comment on C3270:

David Lanham, I.U.O. No. 12  
Bob Waggoner, International Union of Operating Engineers  
Ron Kennedy, L.A. Building Trades Council  
Adam Radinsky, Attorney for IUOE Local 12  
Todd Andrews, Continental Heller Corporation  
Suzanne J. Holland, O'Melveny & Myers, for McGrath Construction Corp.  
George Kieffer, Attorney for Herzog Contracting Corp.  
Alan Landis, Vice President for Herzog

Mr. Ed McSpedon, Director of Design and Construction, explained the bid process and the bid form and Mr. Al Scala, Manager of Contracts, explained the issues that had been raised with regards to staff's evaluation process and the investigation on McGrath Construction.

Mr. Grabinski moved approval of staff's recommendation to award Contract No. C3270 to Herzog Contracting Corporation, which was seconded by Mr. King.

Mrs. Bacharach moved, seconded by Mr. Callahan, to table this issue to the next meeting.

A roll call vote was taken on Mrs. Bacharach's motion:

Yes: Callahan, Bacharach, Mednick, Reed

No: Lewis, King, Szabo, La Follette, Remy, Holden, Grabinski

Motion to table failed.

Roll vote on the main motion by Mr. Grabinski:

Yes: Lewis, King, Szabo, La Follette, Remy, Holden, Grabinski, Bacharach, Mednick, Reed

No: Callahan

Motion was carried.

9b. Long Beach Station Superstructures Contract No. C335

Mr. Taylor indicated that this item is a lump sum contract which involves the construction of eight light rail transit stations and associated park-and-ride lots within the City of Long Beach. Five bidders responded to the bid proposal. The staff recommended that the Commission authorize the Acting Executive Director to award Contract No. R01-T01-C335 to Continental Heller Corporation, the lowest responsive and responsible bidder with a DBE/WBE percentage of 18.3/2.9. The contract award will be for a total estimated contract price of \$6,344,000. A 10% contract reserve fund of \$634,000 is also recommended to cover the cost of changes and extra work, but will not be included in the contract award amount.

The Rail Construction Committee made a unanimous recommendation at a previous meeting.

Mrs. Bacharach moved approval to award the contract to Continental Heller Corporation, which was seconded by Mr. Lewis.

The following persons appeared before the Commission to comment to Contract No. C335:

William Speer, Montgomery, Ross, Fisher, Inc.  
Robert J. Boyle, representing M. R. Fisher, Inc. and  
H. A. Lewis, Inc.  
Todd Andrews, Continental Heller Corp.

Some discussion followed.

Roll call vote was taken to award C335 to Continental Heller:

Yes: Lewis, King, Callahan, Szabo, La Follette, Remy,  
Holden, Grabinski, Bacharach, Mednick, Reed

No: none

Motion was carried.

**DISCUSSION ON CONSENT ITEMS**

2. Government Relations & Finance Committee recommended Commission authorize a Request for Proposal to conduct a voter opinion survey to further assess voters' attitudes towards an additional 1/2-cent sales tax in Los Angeles County for street and highway purposes. Proceeding with the survey will

require subsequent Commission approval. Furthermore, with the direction of the S&HC, staff will develop a proposed expenditure plan, so that it will be ready in the event that the Commission decides to pursue a 1/2-cent sales tax option.

Mr. Szabo moved for approval, seconded by Mrs. Reed.

The following persons appeared before the Commission and offered comments:

Bryan Allen  
Stanley Hart

All those present were in favor of the motion by Mr. Szabo with the exception of Mr. Lewis who expressed opposition to the motion.

3. Rail Construction Committee recommended approval of an authorization of funds for Change Order No. 008 in the amount of \$1,287,834 which involves an increase in the total number of concrete ties to be delivered by Case-Pomeroy for future rail transit projects.

Mrs. Bacharach moved approval of the recommendation with the addition that staff be authorized to order sufficient ties for MTDB if they can consummate such a deal by January 31, 1989, seconded by Mr. King. Hearing no objection, the motion was carried.

5. Mr. Taylor indicated that the City of Los Angeles City Legislative Analyst submitted a letter that requests that LACTC revise the Notice of Preparation prior to circulation. Councilman Yaroslavsky and Senator Robbins have also submitted letters. Councilman Yaroslavsky concurs in the CLA's request and Senator Robbins requested for a delay for time to reach a consensus on this matter. The request by the CLA would change the alternatives approved for the study last year. In effect, the recommendations would eliminate the full subway and trench/berm light rail alternatives on the Burbank Branch route; would specify as an alternative the total undergrounding of the rail line through sensitive residential neighborhoods; and would add an automated light rail alternative on the Ventura Freeway route. As a result, the Notice of Preparation would need to be modified to include only the following route alternatives:

**Burbank Branch Route** - A fully-grade separated line with subway segments through sensitive areas (9 of the 14 miles) and aerial guideway through industrial/commercial areas would be studied as a Metro Rail extension.

**Ventura Freeway Route** - An aerial line along the south side of the freeway would be studied as a Metro Rail extension and as an automated light rail line.

**Phasing** - Since none of the alternatives could be built in their entirety with the local funds available before the Year 2000, each of the alternatives would include interim operable segments which could be authorized for final design and construction based on the availability of local funding.

Transit Committee recommended authorization of the release of the Notice of Preparation for the East/West San Fernando Valley Rail Transit Project environmental impact report to affected public agencies. It also recommended mailing the notice to interested community organizations.

The action before the LACTC today is whether to release the Notice of Preparation as recommended by the Transit Committee or to revise the NOP as recommended by the L.A. City Chief Legislative Analyst.

Mr. Taylor gave an overview of the study process and the policy implications of the CLA's requests.

Chair Reed indicated that this request from the CLA was not brought before the Transit Committee.

Mr. Holden moved that this matter be referred back to the Transit Committee at its February 13 meeting, which was seconded by Mrs. Bacharach.

The following persons appeared before the Commission:

Carolyn Westheimer, representing Senator Rosenthal  
Miriam Jaffee, representing Senator Robbins  
Marlene Bronson, representing Councilman Yaroslavsky  
Gerald A. Silver, Coalition of Freeway Residents  
Marilyn Minkle, Western Sector Transit Coalition  
Jerry Blaz, Tarzana Property Owners - Western Coalition  
Ryan Snyder, 5th District City Council Candidate  
Naomi Kvar, East Valley Coalition

Steve Witkin, Corbin Palms  
Julie Fine, Western Sector Transit Coalition  
Pat Moser, L.A. Co. Democratic Party  
Dr. S. Feuerstein, Eastern Sector Transit Coalition

Hearing no objection to the motion, this item was referred to the Transit Committee.

10. Mrs. Mednick reported that the Streets & Highways Committee recommended: approval of the "Report on the implementation of Call Box System Improvements in Los Angeles County"; authorization to transmit the plan to the California Highway Patrol and Caltrans for their approval; and adoption of Alternative 1 (replacement of existing 3,517 call boxes with new wire-line equipment). The Committee deferred any decision on recommendation #1, lease payment of \$378,000 for use of existing call boxes, and requested the presence of the legal counsel, Parker & Covert, at today's meeting to answer questions regarding this recommendation.

Mrs. Mednick moved for approval, seconded by Mr. Holden. Hearing no objection, the motion was carried.

Regarding the financial arrangements which the Commission must make with the County, the Committee was split 2 to 2 on recommendations #2, payment of \$70,000 for salvage value of the existing call box equipment and #3, payment of actual cost of telephone line service, maintenance, and related county staff costs since July 1, 1988, estimated to be \$665,000.

Mrs. Mednick moved approval of the recommendations #2 and #3, seconded by Mrs. Reed.

Mr. King offered an amended motion to increase the sum in the main motion by an additional \$1 million to be paid to the Los Angeles County, seconded by Mr. Callahan.

A roll call vote was taken on Mr. King's amended motion:

Yes: Lewis, King, Callahan, Szabo,

No: La Follette, Remy, Holden, Grabinski, Bacharach,  
Mednick, Reed

Motion failed.

Mr. Callahan offered an amended motion to add into the main motion a lease payment of \$378,000, seconded by Mr. King.

Roll call vote on Mr. Callahan's amended motion:

Yes: King, Callahan,

No: Lewis, Szabo, La Follette, Remy, Holden, Grabinski,  
Bacharach, Mednick, Reed

Motion failed.

Vote on the main motion for payment of \$70,000 for salvage value and the payment for maintenance operation since July 1 of \$665,000 was made. Motion was carried with "no" votes by Lewis, King, and Callahan.

11. Mr. Lewis reported that the Transit Committee recommended the following for the commuter rail proposals:

- a) That the Los Angeles-to-Pomona Valley commuter line proposal be advanced to a detailed feasibility study and that a budget of \$2 million from Commission Proposition A monies be authorized for this effort with additional funding sought from other jurisdictions and agencies.
- b) That the Commission continue to support on-going efforts to improve the Los Angeles-to-Orange County 12.

Mr. Lewis reported that the Transit Committee recommended authorization to release the Draft Environmental Impact Report for the Coastal Corridor Rail Transit - North Branch Project and upon approval, issue the Notice of Completion and Availability.

Mr. Lewis moved approval of the recommendation, seconded by Mrs. Bacharach. Hearing no objection, the motion was carried.

#### INFORMATION ITEMS

13. LACTC-Sponsored Legislation SB 128 and SB 129

14. The Government Relations & Finance Committee reviewed the provisions of SB 1 (Robbins). The Committee deferred action on the measure until the Joint LACTC/SCRTD Committee on Organization meets.

15. Comprehensive Annual Financial Report FY 1987-88

16. Personnel Requirements for Rail Construction Corporation

Mrs. Bacharach explained that the Rail Construction Committee decided not to make any staffing changes to the Rail Construction Corporation at this point but did authorize staff to proceed to plan for an in-house program control function.

17. Compton Station (Norwalk-El Segundo) Design Update

18. FAU Lapsing Report

19. AB 1257 Truck Study

20. Bikeway Map Status

21. FY 1989-90 Overall Work Program Projects

**EXECUTIVE DIRECTOR'S REPORT**

22. Status of UMTA Grant Application for Safety and Security

The Amalgamated Transit Union (ATU) has made certain demands related to Department of Labor (DOL) certification of the \$5 million Security Enhancement Project that may limit the Commission's flexibility in dealing with future operations of locally financed rail projects.

Staff recommended that the Commission notify UMTA of our intent to withdraw the Rail Security Enhancements Project Grant application related to the Long Beach-Los Angeles light rail project (CA03-0339).

Mr. Lewis requested that the Chair of the Commission send a strong letter to both the Secretary of Labor and the Secretary of Transportation clearly indicating the LACTC's dissatisfaction with this type of interference with local decision-making.

Mr. King moved approval of the staff recommendation with the addition of Mr. Lewis' direction, seconded by Mr. La Follette. Hearing no objection, motion was carried.

23. Commission Travel Request

The following Commissioners have expressed an interest in attending the American Public Transit Association's Legislative Conference in Washington, D.C., March 12-15, 1989: Commissioners Bacharach, Mednick, Reed, Remy, and Szabo. Commission request was requested.

Mr. King moved approval of the travel request, which was seconded.

Commissioner Grabinski and Mr. Callahan asked to be added to the list for attendance to the APTA conference.

Hearing no objection, the travel request was approved.

24. Notice of Meeting

The next Commission meeting is tentatively scheduled for 9:00 a.m. on February 22 with a tour of the rail construction with the California Transportation Commission in the afternoon.

25. Report on Metro Rail Phase 2

Mr. Taylor reported that yesterday in Washington, he received from UMTA their counter proposal to LACTC's proposal for the full funding contract for Metro Rail Phase 2. A meeting is planned in Washington on Monday with legal advisors to begin working through the proposal.

A memo from Deloitte/Kellogg Joint Venture was handed out to the Commissioners which outlines how that firm will respond to Mr. Taylor's request to fulfill the request made of the Commission by the Board of Supervisors to undertake some work reviewing the forecast cost of Phase 1 of Metro Rail. Mr. Taylor proposed, under authority granted to him by statute, to engage the Phase 1 of this work for under \$50,000 to address the financial disposition of awarded procurement/construction contracts and how their final cost may be impacted by any contract delays, changes and claims. On conclusion of Phase 1, staff will confirm the scope of work for Phase 2 which is currently estimated to be \$27,500. After some discussion, it was decided that the Acting Executive Director will be authorized to grant the contract for Phase 1 and before Phase 2 is authorized, the Executive Director will return to the Commission with the results of Phase 1 and a request for further extension to Phase 2.

**CHAIR'S REPORT**

1. Chair Reed has been invited to participate in the Governor's transportation summit meeting on February 8 in Sacramento. She will report to the Commission of the meeting.

2. The Commission's 1989 Committee Assignments List was distributed to the members.
3. The Joint Powers Agreement approved by the Commission some months ago has been changed by the other parties. Members to the Joint Powers Authority for the LOSSAN Corridor will be one LACTC member and one representative (elected official) of a corridor city. Mrs. Reed appointed Mrs. Bacharach and Mr. Remy, as alternate, to represent LACTC and has asked Ruth Aldaco, Mayor of City of Commerce, to serve as a member representing the corridor cities and Bob Cormack, Mayor of Downey, to serve as alternate.

Mrs. Bacharach asked for a progress report on the eight-point plan. Mrs. Reed indicated that this matter will be referred to the Transit Committee.

#### PUBLIC COMMENT

Mr. Sheldon Walter commented on Metro Rail MOS-1.

#### CLOSED SESSION

Executive session on actual litigation. Mr. Taylor indicated that the litigation at issue is the Commission vs. several defendants; one of which is Regency Outdoor Advertising and S. E. Mattox, et al. Mr. Michael Barth, attorney, representing S. E. Mattox, et al has proposed a form of settlement of the case that would involve a purchase transaction. Two letters from Mr. Barth were handed out to the Commissioners for discussion in closed session.

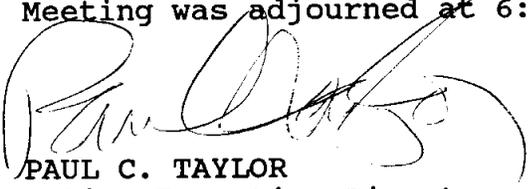
Mr. Barth addressed the Commission before the closed session.

At 5:12 p.m., the Commission recessed into executive session for the purpose of discussing actual litigation.

At 6:10 p.m., the Commission reconvened. Mrs. Reed offered a motion to approve the terms of settlement with Caltrans in LACTC vs. Regency Outdoor Advertising, et al. to include conveyance of property to Caltrans, seconded by Mr. King. Hearing no objection, motion was carried by 6-0.

#### ADJOURNMENT

Meeting was adjourned at 6:11 p.m.

  
PAUL C. TAYLOR  
Acting Executive Director

PCT:kyt-6