

# MINUTES



LOS ANGELES COUNTY TRANSPORTATION COMMISSION 818 West 7th. St., Suite 1100, Los Angeles, Calif. 90017 (213) 623 1194

## LOS ANGELES COUNTY TRANSPORTATION COMMISSION

December 19. 1990

The regular Commission meeting was called to order by Chairman Edelman at 1:45 p.m. in the Board of Supervisors' Hearing Room, in the Hall of Administration.

Mr. Peterson indicated that he was in receipt of a letter from Mayor Bradley designating William Bicker to serve as an alternate for Councilman Richard Alatorre for today's meeting.

### Members present:

Supervisor Ed Edelman  
Councilman Ray Grabinski  
Councilwoman Jacki Bacharach  
Councilman Robert White  
James Tolbert  
Mike Lewis, alternate to Supervisor Schabarum  
Mas Fukai, alternate to Supervisor Hahn  
Nick Patsaouras, alternate to Supervisor Antonovich  
Ray Remy, alternate to Mayor Bradley  
Bill Bicker, alternate to Councilman Richard Alatorre

### Staff present:

Neil Peterson, Executive Director  
Nina Phillips, Deputy County Counsel  
Kathy Torigoe, Executive Secretary

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PUBLIC HEARING re. Necessity for the Acquisition of Real Property Interests described herein in certain real property located as follows:

Chairman Edelman opened the public hearing. Nina Phillips, Deputy County Counsel, indicated that this is a hearing for the determination of the Public Necessity to acquire various parcels of real property and swore in the persons planning to testify before the Commission. She indicated that each resolution would require 8 votes by the Commission.

- d. 620-640 S. Western Avenue, in the City of Los Angeles;  
Owner: Beverly Larner - Parcel #R81-B2-152

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

Phillips: Will you state your name and position, please?

Wiley: James Wiley, Manager of Real Estate for LACTC.

Phillips: Did you prepare the staff report which appears in the agenda, starting at page 33?

Wiley: Yes I did.

Phillips: Are the matters contained in the report, true and correct?

Wiley: To the best of my knowledge they're true and correct.

Phillips: Does the public interest and necessity require the subject project?

Wiley: With regard to the first property that we're considering, this is a Metro Red Line property, the project will result in significant improvements to transportation. It will result in energy savings, it will result in a better parking situation downtown along with numerous other advantages. And, we believe the public interest and necessity require the project.

Phillips: Is the project planned or located in a manner that will be most compatible with the greatest public good and least private injury?

Wiley: Yes, literally hundreds of meetings were held during the environmental process with community groups, community leaders and with others, resulting in a number of studies that lead to the conclusion that this is the appropriate location for the project.

Phillips: Is the property to be acquired necessary to the project?

Wiley: Yes, the property is the location for a bus facility at the terminal station on the Wilshire branch of the line.

Phillips: Was an offer to acquire the property based on approved just compensation made to the owners?

Wiley: Yes, the statutory offer was made.

Ms. Phillips requested that the staff report be received into evidence at this time.

Mr. John Murdock, attorney for Ms. Larner, and Mrs. Beverly Larner testified before the Commission. They indicated that they have reached a settlement and they requested that the Commission move ahead but not take any condemnation action for 5 or 7 days.

Motion was made by Mr. Tolbert to delay filing for fifteen days, which was seconded by Jacki Bacharach. It was suggested that the Commission go into closed session and hold item to another time.

Mr. Wiley suggested that the Commission direct him not to file the condemnation for a ten-working-day period.

Mrs. Larner and Mr. Murdock were asked to wait to the end of the meeting before their parcel would be discussed further.

- a. Northeast corner of Wilshire Boulevard and Shatto Place, City of Los Angeles; Owner: Chase & Socorro Rhee, Trustors - Parcel #R81-B2-113

No public testimony was presented.

Ms. Phillips asked questions which were answered by Mr. Wiley regarding this parcel.

Staff report was presented as evidence.

Motion was moved and seconded to adopt the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the subject property interests. Hearing no objection, motion was carried by the 10 members present.

- b. Northwest corner of Wilshire Boulevard & Shatto Place (3143 to 3161 Wilshire) in the City of Los Angeles; Owners: Laurence B. Kaplan Trust & Sam Kaplan Trust - Parcel #R81-B2-115, Kevin Brogan condemnation counsel for Dr. Kaplan and Mrs. Kaplan owners of the above property.

Ms. Phillips asked the standard questions pertaining to the parcel which were answered by Mr. Wiley. Staff report was entered as evidence.

Mr. Kevin Brogan, attorney of the Kaplans, testified before the Commission.

Motion was made and seconded to continue the condemnation of this parcel. Hearing no objection, motion was carried.

- c. Northwesterly corner of Wilshire Boulevard and Kenmore Avenue, City of Los Angeles; Owner: Gaylord Associates - Parcel #R81-B2-141, David Adams, General partner for Gaylord and Associates.

Ms. Phillips asked the standard questions which were answered by Mr. Wiley. Staff report was received as evidence.

The owner of the property asked that condemnation not be taken.

It was moved and seconded that Commission adopt the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the subject property interest. Hearing no objection, motion was carried by 10 members present.

- e. Westerly Side of Nash Street between Mariposa Avenue and Grand Street in the City of Los Angeles; Owner: Chevron USA, Inc. - Parcel #R23-R21-AS517 (Green Line)

No public testimony was received.

Ms. Phillips asked the standard questions of Mr. Wiley which were answered. Staff report was entered as evidence.

It was moved and seconded to adopt the Resolution of Necessity authorizing the acquisition of Parcel AS517 by eminent domain. Hearing no objection, motion was carried by the 10 members present.

#### Approval of Minutes

Minutes were corrected with the following changes on page 4 under Vehicle Procurement Fund whereby the specifics were changed. On page 7, Item 26 was pulled and removed from being passed. On page 13, under Public Comment, every agency's name should be listed along with their representative:

Bryan Allen, private citizen  
Goldy Norton, United Transportation Union  
Beverly Larner, private citizen  
John Walsh, United Riders of Los Angeles

The minutes of November 28, 1990 were approved as amended.

#### Consent Calendar (Discussion at Commission or Public Request) (Items 1 - 29)

Mr. Lewis requested that Items #3 and #15 be held for further discussion. Mr. Fukai also requested that Item #7 be discussed further. Mr. Tolbert abstained on Item #11 discussion.

It was moved and seconded to approve the Consent Calendar Items 1 - 29, with the exception of Items 3, 7, and 15.

1. Call Box System Consultant - Contract Amendment - Techplan Corporation - \$45,000 - Finance & Programming Committee (FPC) recommended the Executive Director be authorized to amend the existing contract agreement amount of \$49,978 with Techplan Corporation by \$45,000 to provide additional services for a total amount not to exceed \$94,978.
2. Funding Commitment for a Regional Origin and Destination Survey - FPC unanimously approved that the Executive Director be authorized to commit up to \$920,000 as Los Angeles County's share for the completion of an O&D survey in 1991 under administrative agreement with SCAG. Funding for this survey is in the Commission's FY 1990-91 budget.

Furthermore, the Committee recommended that staff solicit input from cities on additional travel data that the cities may need during the Area Workshops conducted in January.

4. Resolution Approving to File for Environmental Enhancement and Mitigation Program Grant Funds - FPC recommended approval of the Resolution authorizing the LACTC to apply for Environmental Enhancement and Mitigation Program Funds for the following three projects:
  - a. Los Angeles/San Bernardino County Commuter Rail Tree Project;
  - b. Green Line Wilmington Station Mitigation Project; and
  - c. Seventh Street Streetscape Project.
5. Amendment to LACTC's FY 1991-92 Transit Capital Improvement Program - FPC recommended the Commission approve the amendments as listed in the staff report.

6. Recommend Firm to Act as Financial Advisor - FPC interviewed the following firms as candidates for the Commission's financial advisor: Lazard Freres & Co., Public Resources Advisory Group, O'Brien Partners, Inc., and Public Financial Management.

The Committee evaluated the candidates based on the quality of their work plan, and the breadth and depth of their experience (both firm and assigned individuals) in municipal finance, international finance and real estate finance. The Committee unanimously selected Lazard Freres & Co. to be financial advisor to the Commission.

Additionally, the 25% DBE participation would be split by two firms: Connell & Associates, and Charles A. Bell Securities Corporation.

8. Amendments to Contracts of State Representatives - LASC recommended approval of amending the contract of the firm of Nielsen, Merksamer, Hodgson, Parrinello and Mueller for a cost not-to-exceed \$72,000 for the 1991 calendar year and amending the contract of the firm Nossaman, Guthner, Knox and Elliott for a cost not-to-exceed \$72,000 for the 1991 calendar year.
9. Restructure of Commission's Conflict of Interest and Disclosure Code - LASC approved the staff recommendation to adopt the revised Conflict of Interest and Disclosure Code with the modification to include the Board of Directors of the Rail Construction Corporation on the list of designated positions affected by the reporting requirements.
10. Resolution Authorizing Acceptance of Real Estate for Public Purposes - LASC recommended adoption of the resolution to accept and consent to deeds or grants to the Commission of interests in real property.
12. Freeway Tow Service Patrol - The Planning and Mobility Committee (PMIC) recommended the following:
  - a. Authorize staff to develop and prepare for implementation, an ongoing Freeway Tow Service Patrol to be funded from Proposition C;
  - b. Authorize staff to negotiate any necessary Memorandum of Understanding for the program's administration and return to the Commission for final approval.

- c. Authorize staff to develop three alternate mileage levels of service with supporting budgets and benefits for each scenario.
13. Authorization to Pursue Joint Development Opportunities at the Chatsworth Commuter Rail Station Site - PMIC recommended the following:
- a. Contract for a traffic study, market analysis and related work in preparation for issuing a Request for Proposals for joint development of the site (estimated total cost \$100,000).
  - b. Explore opportunities for a joint development program with the City of Los Angeles where LACTC and the City would be responsible for developing the site, including risk and benefit-sharing.
  - c. If development potential and joint development arrangements are promising, issue a Request for Proposals for joint development of the site in accordance with the scope, process, and deadlines outlined in the staff report and attachments.
14. Downtown Los Angeles - Sylmar/Santa Clarita Rail Planning Study - PMIC recommended approval of the study and authorized its transmittal to the County and to the cities in this corridor.
15. Transit Service Expansion Program - PMIC recommended the following:
- a. Review and reaffirm the policies adopted for the Transit Service Expansion Program in June 1990.
  - b. Reaffirm approval of staff recommendation for the allocation of the Transit Service Expansion Program funds.
16. Antelope Valley Transit Study - TDA Article 8 - PMIC recommended that the Commission approve the release of TDA Article 8 funds for streets and roads purposes in the Antelope Valley contingent on the implementation of the transit services recommended in the Antelope Valley Transit Study.



18. Authorization and Approval to Amend the Contract of Raymond Moresco, Environmental Consultant - \$130,000 - PMIC recommended the Executive Director be authorized to amend the contract of Raymond Moresco and obtain additional funding in the amount of \$130,000.
19. Amendment of Contract GP-022, Berkhemer Kline Golin/Harris - \$81,000 - PMIC recommended approval of a contract amendment in the amount of \$81,000 to Berkhemer Kline Golin/Harris, thereby closing the marketing contract for the Metro Blue Line. This contract will bring the total amended contract value to \$222,000.

INTERIM COMMUTER RAIL JOINT POWERS AUTHORITY RECOMMENDATIONS

20. Commuter Rail Planning & Design Consultant, Contract #R60-CR004 - DeLeuw, Cather & Company - Recommended the Commission authorize the Executive Director to award a contract to DeLeuw, Cather & Company for commuter rail project coordination and design services. For additional information, see IJPA Agenda Item dated November 9, 1990.

RAIL CONSTRUCTION CORPORATION  
CONSENT CALENDAR

21. Metro Red Line: 5th & Hill Station Stage 1, Contract A145, Change Order #126 - Guy F. Atkinson Construction Co. - \$80,000 - Approved Change Order A145-CO-126 which provides a lump sum amount of \$220,700 for the reconnection of water service to all of the buildings along Hill Street, and a not-to-exceed amount of \$80,000 for the installation of two detector pits and two water laterals for Fire Department use. The total amount of this Change Order is \$300,700.
22. Metro Blue Line: Contract #H811 - Change Order #043 and Increase in AFE - L. K. Comstock - \$1,130,925 - Recommended the following:
  - a. Approve Change Order #043 in the amount of \$1,130,925 for traction power supply system.
  - b. Approve an increase to the current AFE amount by \$996,010 to a revised AFE of \$21,632,812. This increase in AFE will enable staff to process pending and anticipated changes.

23. Metro Blue Line: Contract #H831 - Increase in AFE - Harris Corporation - \$1,598,745 - Approved an increase to the current AFE amount by \$1,598,745 to a revised AFE of \$6,188,095 for Supervisory Control and Data Acquisition (SCADA). This increase in AFE will enable staff to process pending and anticipated changes.
24. Metro Blue Line: Contract #H832 - Change Order No. 031 - Pactel - \$100,646.72 - Approved Change Order #031 in the amount of \$1,000,646.72. The cost of this change order is chargeable to the Metro Red Line budget. Current AFE for Contract #H832 for cable transmission system is adequate to cover the cost of this change order.
25. Metro Blue Line: Contract #C3270 (Long Beach Loop) - Change Order #030 - Herzog Contracting Corporation - Recommended the following:
  - a. Direct TransCal to issue a Unilateral Change Order for the sum of \$480,000 as full payment to the Contractor. The requested \$120,000 for fixed operating expenses will be reviewed by the Commission's PMO and a determination will be made at a later date regarding its allowability, and
  - b. Approve an increase of 70 calendar days to the contract completion duration, establishing a new contract completion date of June 30, 1990.
26. Metro Red Line (MOS-2) and Metro Green Line for OCIP Coverage - Approve extension of Owner-Controlled Insurance Program (OCIP) to the Metro Red Line (MOS-2) and Metro Green Line projects.
27. Contract #R90-FM-014 PMO/PMA Consultant - Fluor Daniel - \$2,003,500 - Approve the selection of Fluor Daniel to perform project management oversight services and authorize the Executive Director to negotiate and execute a contract for first-year services in the not-to-exceed amount of \$2,003,500 which includes an estimated cost of \$1,821,159 and a 10% fee allowance of \$182,371 (includes 24.8% DBE).

FURTHER DISCUSSION ON CONSENT CALENDAR ITEMS

3. SCRTD'S Request for Bridge Loan to Finance Emissions Testing Facility - FPC recommended the following:
  - a. Approve a \$1.6 million Bridge Loan for SCRTD to construct an Emissions Testing Facility. Authorize a transfer of funds from the Proposition A Discretionary Interest Fund.
  - b. Authorize the LACTC Executive Director to enter into an agreement with SCRTD General Manager for a repayment schedule of the Bridge Loan.
  - c. Support SCRTD efforts to obtain federal funding for the Emissions Testing Facility.

At the 12/10/90 meeting, the FPC approved the staff recommendations with the following clarification:

Request SCRTD staff to investigate alternative SCRTD revenue sources for financing the Bridge Loan. Pending the outcome of the SCRTD investigation, the FPC authorize the Executive Director to take the necessary administrative steps to make the Bridge Loan as noted above.

Mr. Peterson explained that this request is the same request that was made to the committee; that we go ahead and authorize subject to the following clarification. If it's necessary for us to offer the loan to enable RTD to get the federal grant, then we will proceed. If it is not necessary for us to offer the loan for RTD to get the federal grant, then RTD will loan the money to themselves. Approval will allow us to go either way depending on the results of SCRTD's investigation.

Mr. Lewis asked that as a part of this transaction that a percentage of the time at that facility be available to the Municipal Operators for whatever testing they might feel is appropriate in the air quality arena, beyond just buses that might be tested by RTD.

Mr. Remy suggested that there may be opportunities for either on a fee basis or even on an experimental basis that some of the private sector trucks could use such a facility. Mr. Remy added that to the extent that this testing can be properly managed, improvements can result for private truckers as well as for bus operators.

Mr. Lewis indicated that he would make his request a motion, which was seconded by Mr. Remy.

Mr. Bicker noted that LADOT has access to that facility.

Hearing no objection, motion was carried.

7. Final 1991 LACTC Legislative Program - The Legislative & Administrative Committee (LASC) recommended the Commission adopt the state, federal and air quality legislative program for 1991 with substantive changes to the program.

Mr. Fukai indicated that he wanted to make sure that Mr. Richard B. Dixon's (Chief Administrative Officer, County of Los Angeles) memo was considered and made a part of the record.

Mr. Peterson indicated that the memo would be made a part of the record.

Motion moved by Jacki Bacharach to approve the committee's recommendation, seconded by Mr. Patsaouras. Hearing no objection, motion was carried.

11. Award of Contracts for Legal Services - Staff recommended the following firms to contract for legal services:

- Demetriou, Del Guercio & Lovejoy - Environmental, Eminent Domain
- Fisher & Prager - Litigation
- Gomez, Fujioka & Furukawa (DBE) - Public Works Contracts and Litigation
- Jones, Day Reavis & Pogue - Real Estate, Environmental
- Melanie E. Lomas & Assoc. (DBE/WBE) - Personnel Issues
- Ochoa & Sillas (DBE) - Litigation and Transactional Representation
- Riordan & McKinzie - Litigation and Transactional Representation
- Robinson & Pearman (DBE) - Real Estate, Public Works Contracts, Transactional Representation and Legislative
- Thelin, Marin, Johnson & Bridges - Public Works Contracts and Litigation
- Tuttle & Taylor - Litigation and Transactional Representation

The Committee also recommended that the Commission engage the following firms to complete the work they are currently performing for the Commission:

- Dewey, Ballantine, Bushby, Palmer & Wood - Real Estate
- Nossaman, Guthner, Knox & Elliott - Eminent Domain, Sales Tax Issues, Public/Private Partnership Issues, Environment, Benefit Assessment Litigation, Legal Issues relating to Proposition C.

The LASC amended the staff report to include a new contract to Nossaman, Guthner, Knox and Elliott.

Mr. Patsaouras moved, seconded by Mr. Grabinski to approve the committee recommendation. Hearing no objection, motion was carried.

15. Transit Service Expansion Program - PMIC recommended the following:

- a. Review and reaffirm the policies adopted for the Transit Service Expansion Program in June 1990.
- b. Reaffirm approval of staff recommendation for the allocation of the Transit Service Expansion Program funds.

Mr. Lewis requested staff to read into the record exactly what is being funded.

Mr. Rich DeRock reported what is being funded: Antelope Valley Commuter lines from Lancaster to downtown Los Angeles, Gardena Line 3, Foothill Transit, 210 Freeway Express, LADOT Line 409, LADOT Line 413, LADOT line 431, LADOT line 500, LADOT 501, LADOT Line 502, LADOT Dash San Pedro, Street Shuttle, Long Beach CBD shuttle, Long Beach Transit Line 6, Long Beach Transit line 50, Lynwood Trolley Operation, RTD's Line S114, Santa Clarita Transit Route 798 and Torrance Line 6

Motion was made by Mrs. Bacharach, seconded by Mr. Grabinski. Hearing no objection, motion was carried.

17. Proposition A Discretionary Guideline Revisions - The PMIC recommended the following:
- a. Delay action on Proposition A Discretionary Guideline revisions until the January LACTC meeting, with the understanding that LACTC is amending the six-month advance notification rule to five months' notification for the revisions outlined in the staff report. Amending the rule is necessary in order to make these guideline revisions effective for the forthcoming budget year.
  - b. Amend the LACTC six-month advance notification rule to five months.
  - c. Conduct an LACTC workshop at 12:00 noon on December 19 to brief the Commissioners on the history and reasons for amending the Prop. A Discretionary Guidelines.

Mr. Goldy Norton of United Transportation Union appeared before the Commission and gave his evaluation of the proposed charges.

It was moved and seconded to approve the committee recommendation. Hearing no objection, motion was carried.

**STAFF/COMMITTEE REPORT**

28. RFP for Vehicle - Green Line and Specifications for Green Line Rail Yard - PMIC authorized the staff to proceed with the procurement process for an additional 16 Green Line cars at a cost of \$40 million and the construction of a full yard for the Green Line at a cost of \$32 million. These funds should be budgeted in the Vehicle Procurement Fund authorized by the Commission at its September 1990 meeting. The source for funding will be deferred until the spring when the Prop. C guidelines are adopted and the state has acted upon the Commission's application for 1991-92 funds from the Transit Capital Improvement (TCI) Program.

The DBE requirement in the RFP has been increased from 4% to 10%.

Mr. Lewis made a motion to instruct the Executive Director to go out and negotiate to buy the vehicles we need and not any more than that, which was seconded. Without objection, motion was carried.

Mrs. Bacharach moved approval on the staff recommendation, seconded by Mr. White.

Roll Call Vote:

Yes: Fukai, Patsouras, Remy, Bicker, White, Bacharach, Grabinski, Edelman

No: Lewis, Tolbert

Motion was carried.

29. Shared Use Agreement for the Azusa Branch and Shared Use agreement for Sauquus and Ventura Lines - PMIC recommended forwarding this matter to the LACTC without action after a closed session briefing on liability and awaiting the results of current ongoing negotiations with Southern Pacific.

Mr. Peterson explained that one particular provision regarding liability will be discussed in closed session.

#### EXECUTIVE DIRECTOR'S REPORT

37. Metro Rail Audit - Status Report - To be held until the next meeting.
38. Commission Travel Request - Approval was requested for Chairman Edelman's travel to Milan, Italy to meet with officials of Breda (Metro Red Line vehicle manufacturers) and Zurich, Switzerland to inspect the interface between the multi-model diesel bus, trolley bus, and rail facility operations.

Motion to approve his travel was made by Mr. Lewis, seconded by Mrs. Bacharach. Hearing no objection, motion was carried.

39. Notice of Meeting: LACTC and SCRTD Joint Meeting to be held on March 6, 1991.

#### REPORTS FROM CHAIR AND COMMISSIONERS

(none)

#### PUBLIC HEARING

Continuation of Public Hearing Item "d", Parcel #R81-B2-152: Ms. Beverly Larner made a lengthy statement for the record.

Mr. Wiley asked that the passing of the Filing of Necessity be approved.

Mr. Tolbert moved with a provision to the condemnation that it not be filed for a period of fifteen days instead of ten.

Ms. Bacharach seconded. Hearing no objection, motion was carried.

#### CLOSED SESSION

At 3:35 p.m., the Commission recessed into closed session, pursuant to Government Code Sections 54956.8/54956.9, to discuss real estate matters, pending litigation and personnel matters and Item #29.

- o Purchase/Construction Agreement, City of Los Angeles (Mac Arthur Park)
- o Real Estate Matters - Lease Agreement: Hughes Sub-Lease, El Segundo Research Center, LAX Business Center
- o Personnel Matters



At 4:35 p.m., the Commission reconvened.

Regarding Item #29, Mrs. Bacharach moved, which was seconded, to approve the agreements negotiated with the Southern Pacific Transportation Company on the Shared-Use Agreement for Saugus and Ventura Lines and the Shared-Use Agreement for the Azusa Branch. Without objection, motion was carried.

**PUBLIC COMMENT**

Mr. John Walsh commented on the Metro Red Line tunnel fire.

**CLOSED SESSION**

Ms. Phillips reported that in closed session the following were approved:

- o Enter into a purchase/construction agreement with the City of Los Angeles (McArthur Park) with a required right-of-way for construction which will include certain work to mitigate the effective Metro Rail construction in an amount not to exceed \$7,500,000.
- o Authorized the Commission to enter into a lease agreement with Hughes Sub-Lease, the El Segundo Research Center, and LAX Business Center in an amount not to exceed \$700,000.

**ADJOURNMENT**

Meeting was adjourned at 4:45 p.m.

*Neil Peterson*  
NEIL PETERSON  
Executive Director

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