

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

MINUTES/PROCEEDINGS

Regular Meeting
Board of Directors
Thursday, March 22, 1984
District Board Room
425 South Main Street
Los Angeles

Called to order at 1:02 p.m.

Directors present:

Nick Patsaouras, President
John F. Day
Jan Hall
Nate Holden
Marvin L. Holen

Michael W. Lewis
Jay B. Price
Ruth E. Richter
Charles H. Storing
George Takei

Director absent:

Gordana Swanson, Vice-President

1. Presentation of Certificates of Merit to:

- a. Albert Gomez, Operator-of-the-Month;
 - b. Clyde Willoughby, Maintenance
Employee-of-the-Month;
 - c. Juanita Cook, Information Operator-of-the-Month;
- and presentation of plaques by Director Lewis.

2. Report of the President

President Patsaouras announced that it would be necessary to recess to closed session at the conclusion of the agenda to consider a Workers Compensation matter.

2. Report of the President - Cont'd.

President Patsouras also reported that Senator Robbins has agreed to drop SB 1264; this bill would have created citizens advisory committees.

President Patsouras then announced the formation of the RTD/LACTC Coordination Committee. The District's members on this committee are Directors Swanson, Day, Price and Storing. He asked that the Committee meet on a monthly basis. On motion of Director Richter, seconded and carried, the Board concurred in the establishment of this committee.

3. Report of the General Manager

General Manager Dyer reported that Orange County Transit District has requested that the next meeting between the two agencies be at the Board level. The dates suggested for this meeting are April 4th or April 11th. The Board concurred in setting the date of April 4, 1984 at 6:30 p.m. for the Special Joint Meeting.

Mr. Dyer commented that the CATOTS Conference is scheduled for March 28-29 in Sacramento. He urged the Board members to attend.

4. Director Special Items

Director Holen reported that the MBE Committee met on March 17th, under the leadership of Manuel Sanchez and that out of the meeting came a good sense of cooperation. The private sector leadership on the committee was with the group of Directors who visited Europe and their spirit of cooperation and good will can be directly attributed to their participation in the learning process.

4. Director Special Items - Cont'd.

Director Lewis reported on the APTA Legislative Conference held in Washington on March 11-12. During meetings with legislators the major focus of the discussion was on the funding for the Metro Rail Project; the support in Congress is as strong as ever. The general consensus is that our position is pretty good; we need to focus on the House Appropriations Committee. Hearings are scheduled for late April and early May and members of the Board should plan to attend.

President Patsaouras announced that Vice-President Swanson was in Sacramento today testifying before the California Transportation Commission.

5. Considered recommendation regarding the station site plan for the Metro Rail station at Wilshire & Crenshaw Boulevards.

The staff recommendation is for the Board to adopt Exhibit I as contained in the Board report; this would provide the land necessary for bus access. Director Lewis asked where the people travelling north on Crenshaw would be discharged to take the subway. Mr. Dyer responded that the staff has not finalized the station plans; the staff is trying to move the station plans as far along as the rest of the project.

Mr. John Trimble appeared before the Board, stating that he was basically unhappy about the Crenshaw Station; however, if the station has to be, then the Plan as set forth in Exhibit I has the least impact on the neighborhood. Mr. Richard Workman also appeared and indicated he would support Exhibit 1 as a compromise. Mr. Jim Rosen, Deputy to Councilman Ferraro appeared and stated that the Councilman is very much in favor of Exhibit 1 recommendation; it takes into account the needs of the community and provides the space needed to take care of future needs. Director Holen asked Mr. Rosen if the Board could be assured that the Councilman fully supports the Crenshaw Station in accordance with this recommendation. Mr. Rosen gave that assurance.

Director Holen commented that when the tour of the station site was held on March 1st, the majority of the people present supported Exhibit V, which provides for a bus turn-around at the site.

Director Takei remarked that the solution is that the buses will have to turn on Wilshire Boulevard. He further stated that this Board has a strong commitment to this station. He said that he trusted that Councilman Cunningham and Senator Diane Watson were equally as supportive of this recommendation.

Mr. Donald Fields, representing the Southwest Corridor, appeared before the Board and read a statement of support.

Director Holen made a motion, which was seconded, to accept the staff recommendation, to be effective only upon the dismissal of the lawsuits pending on the Metro Rail Project.

Director Takei commented that he agreed with the motion in principle; however, our role is to get started and to save money. The motion as presented is an uncertainty that may slow down the process. He concluded by stating that he would argue against the effective clause of the motion. Director Lewis asked if the parties to the lawsuits have now agreed to the station with the modifications contained in the recommended site plan.

Director Hall also commented that the intent of the motion is for the District to stay on schedule and that the District Board recognizes that there is still pending litigation which may be of great cost to the project at a later date.

Director Takei then asked if the District could proceed with the station if the lawsuit is not withdrawn.

General Manager Dyer reported that it appears that there is no real desire to try the litigation. The current difficulty is that there is not an agreement acceptable to all parties yet. He recommended that the Board proceed with Director Holen's motion. This action will enable the District's staff to bring the design process up-to-date for this station.

On a call for the question, the motion carried unanimously.

ADVANCE PLANNING COMMITTEE REPORT (Items 6-7)

6. Approved Requisition No. 4-4400-358 covering production of 1984 Olympic Service Brochures and authorized the Purchasing Agent to issue Invitations To Bid thereon in accordance with the Rules and Regulations; form of bid requirements and specifications subject to approval of the General Counsel.

UNANIMOUS

7. Approved minor route modification on Line 437 in Marina Del Rey.

UNANIMOUS

RAPID TRANSIT COMMITTEE REPORT (Items 8-9)

8. Adopted resolution authorizing the acquisition of parcels of property for right-of-way purposes under the Advance Land Acquisition Program.

UNANIMOUS

9. Authorized the General Manager to submit an amendment to the FY 1984 Transportation Improvement Program (TIP) with the Los Angeles County Transportation Commission for increasing the state allocation for FY 1985 from \$53 million to \$72.7 million for the Metro Rail Project.

UNANIMOUS

GOVERNMENT RELATIONS COMMITTEE REPORT (Items 10-12)

10. Received and Filed the State Legislative Update Report and approved the positions of watch, support, or opposition as recommended by staff for new Legislation.

With regard to SB 1544 (Robbins) - School Bus Service, concurred with the recommendation of the Government Relations Committee not to take action on this piece of legislation at this time.

UNANIMOUS

11. Received and Filed the Federal Legislative Update Report.

Adopted the Legislative funding goals approved by the American Public Transit Association (APTA) at the 1984 Legislative Conference.

UNANIMOUS

12. Adopted a resolution acknowledging and accepting the California Transportation Commission's participation in the funding of the Metro Rail Project in accordance with the conditions of funding limits specified by the CTC.

UNANIMOUS

ADMINISTRATION, EFFICIENCY & ECONOMY COMMITTEE REPORT

13. Approved revision of Section 8.4 and the conformance of Section 8.3 of the District Rules and Regulations pertaining to Solicitation of Bids and Proposals.

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The Committee also reported that the General Counsel has been directed to review the conditions of Proposition "A" which authorizes students to purchase tickets at a rate of \$4 per month to determine if the Law is clear and mandates the District to sell tickets in lot amounts to other agencies.

FACILITIES & CONSTRUCTION COMMITTEE REPORT

14. Introduction of District Ordinance No. 0-84-1 to provide for traffic control and parking regulations on District properties.

This ordinance will come before the Board for adoption at the April 12, 1984 regular meeting.

15. Authorized the General Manager to:

- a. submit a grant application pursuant to Section 5 of the Urban Mass Transportation Act of 1964, as amended, for a capital project in the amount of \$1,434,826 to design and construct Phase I of a multiple deck parking structure at El Monte Station;
- b. accept and execute the grant contract;
- c. submit to the Los Angeles County Transportation Commission an amendment to the 1984 Transportation Improvement Program (TIP) to include the capital project to design and construct the parking structure in the amount of \$1,434,826;
- d. schedule a public hearing for Thursday, April 12, 1984, at 1:00 p.m. to receive comments on the proposed grant application.

UNANIMOUS

16. Authorized the General Manager to request UMTA to modify the District's bus disposal grant commitments as set forth in the report dated March 16, 1984.

UNANIMOUS

16a. Authorized the General Manager to file an amendment application to Grant No. CA-03-0130 with the Urban Mass Transportation Administration and to execute all necessary documents related to the interim funding of \$63,800,000 for the Continuing Preliminary Engineering Phase of the Metro Rail project.

UNANIMOUS

17. Approved conveyance of easement to the City of Los Angeles Department of Water & Power for overhead power service necessary to supply service to the Central Maintenance Facility Project.

UNANIMOUS

- 17a. Approved Requisition No. 4-3399-1352 and authorized the General Manager to execute a contract with Carpenter Body Works covering miscellaneous OEM parts required for provisioning of the Carpenter buses at an estimated cost of \$55,000; form of contract subsequent to approval of the General Counsel.

UNANIMOUS

- 17b. Approved the cancellation of a contract award to Rahn Industries, Inc., and the execution of a contract with Gillig Corporation covering procurement of 155 air conditioning condensers at a cost of \$77,340; form of contract cancellation and award subject to approval of the General Counsel.

UNANIMOUS

18. Approved Requisition No. 3-7200-251 and authorized the General Manager to amend an existing contract with Crown City Business Systems, Pasadena, covering computer programming services (IBM Series/I), increasing the total cost by an additional \$24,000 to a total cost of \$79,000; form of contract amendment subject to approval of the General Counsel.

UNANIMOUS

19. Approved Requisition No. 4-7200-34 and authorized the General Manager to amend an existing contract with Sperry Corporation, Los Angeles, covering computer maintenance service, increasing the total cost by an additional \$53,120 to a total cost of \$332,990; form of contract amendment subject to approval of the General Counsel.

UNANIMOUS

20. Approved Requisition Nos. 4-4400-332, 4-4400-340 and 4-4400-346 and authorized the General Manager to ratify a contract amendment with Aaron Thomas Company, Signal Hill, covering assemblage, warehousing and forward shipment of Commemorative Token Presentation sets for the 1984 Los Angeles Olympiad, increasing the total cost by an additional \$35,800 to a total cost of \$149,050; form of contract amendment subject to approval of the General Counsel.

UNANIMOUS

21. Authorized the General Manager to execute a contract with B. L. Equities, New York, New York, the lowest responsible bidder under Bid No. 3-8405 covering procurement of two Renk-Doromat transmissions for a total bid price of \$33,920; form of contract subject to approval of the General Counsel.

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CONSENT CALENDAR - Cont'd.

22. Authorized the General Manager to execute a contract with Korody-Colyer Corporation, Wilmington, the lowest responsible bidder under Bid No. 3-8402 covering procurement of 25 short block assemblies for a total bid price of \$192,000; form of contract subject to approval of the General Counsel.

UNANIMOUS

23. Authorized the General Manager to execute a contract with Aetna Floor Covering, Los Angeles, the lowest responsible bidder under Bid No. 2-8428 covering carpet flooring for the 5th & 6th floors in the Headquarters Building for a total bid price of \$50,480; form of contract subject to approval of the General Counsel.

UNANIMOUS

24. Approved Requisition No. 4-3800-001 and authorized the General Manager to execute a contract with Motorola Communications Sector, Orange, covering procurement of ten portable radios with cases under County Contract No. 45877 for an estimated cost of \$27,900; form of contract subject to approval of the General Counsel.

UNANIMOUS

25. Authorized the General Manager to execute Local Agency State Master Agreement No. 07-6043 and any subsequent supplementary agreements with the State in order to implement projects funded under the Federal Aid Urban System (FAU) Program; form of agreement subject to approval of the General Counsel.

UNANIMOUS

26. Received and Filed Report Calendar - March 1 through March 14, 1984.

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27. a. Approved Minutes of Regular Board Meeting held February 23, 1984;
- b. Ratified bus stop zone changes as filed with the Secretary;
- c. Ratified temporary route diversions as filed with the Secretary.

UNANIMOUS

GENERAL ITEMS

28. Conducted a hearing on the protest filed by DBE/WBE Associates - Fluor/Morrison Knudsen, Metro Rail Joint Venture regarding the Board's decision to award negotiating rights for the District's Metro Rail Construction Management Contract to another joint venture.

Mr. Warren Hollyer appeared before the Board, stating that his protest was based on the fact that the Directors did not have all the information before them to make a decision on the construction management contract. The fact that the cost proposal was not considered by the Board would preclude them from making a fully-informed decision.

General Manager Dyer responded that he had answered the letter of protest filed by Mr. Hollyer because the federal regulations required that protests be responded to by the contracting officer. Director Holen then advised Mr. Hollyer that the District had engaged a panel of three experts to provide assistance with the award of the negotiating rights. The cost factors were discussed with the panel of experts and with Mr. Robert Murray. At the conclusion of the public session, the Rapid Transit Committee went into closed session and discussions were held with the panel of experts during the closed session as well. He stated that he believes that adequate information as to cost factors were presented.

Director Holden commented that Mr. Holen's summary was correct. After all the firms had made their presentations, then it was determined that a discussion on the cost proposals would be helpful. The firms were not properly notified if they wished to sit in on the cost proposal discussions. He then reminded the Board that when this item was brought before the Board, he suggested that the Directors should consider waiting awhile just in case something was wrong.

Following additional discussion by Director Holden, General Manager Dyer responded that the District is governed by federal regulations which would prohibit negotiation during the proposal review process. The cost proposals must be considered after the technical proposals have been examined and evaluated.

Director Holden responded that he does not believe that the process was handled properly and that the Committee was not properly prepared to make a fair and unbiased decision. Director Holen commented that perhaps it is necessary to report on the differences in the cost factors. The Fluor Corporation was \$30 million higher than the firm that was selected. The other two firms were very close in overall costs. Director Day inquired if the federal regulations prohibited the Board from inquiring into the financial aspects of the proposals. Mr. Dyer responded that conceivably questions could be framed in such a way that would not be considered negotiating. Director Day then stated that had he been aware of the cost proposals, he would have asked questions to try to disclose information he felt was necessary for his decision making process.

In response to a statement from Director Holden, General Manager Dyer commented that engineer cost estimates are not prepared on a Request For Proposal.

Upon question, General Counsel Powers stated the options available to the Board on the protest before them: 1) recognize the protest and comply with the request of the protestant, 2) reject the protest, 3) reject all proposals received and start the whole process over again.

Director Holen stated that the Metro Rail Project involves a very large number of contracts. The possibility that UMTA will take a protest seriously has staggering impact. The first question must be about the validity of the protest or does it fall into the category of a frivolous protest. Director Holen then made a motion to reject the protest filed by DBE/WBE Associates - Fluor/Morrison Knudsen, Metro Rail Joint Venture, which motion was seconded and carried as noted below:

Yeas: Hall, Holen, Patsouras, Price, Richter, Storing, Takei

Nays: Day, Holden

Abstain: None

Absent: Lewis, Swanson

Appearance of Senator Diane Watson

Senator Diane Watson appeared before the Board to introduce the Southwest Transportation Coalition. She suggested that the District recognize the Southwest Transportation Coalition as an official group; assist with resources of staff of planners, make the southwest corridor a priority planning item, and provide the Coalition with a grant to carry forth their goals. Senator Watson then introduced Mr. Donald Fields, who heads the Southwest Transportation Coalition; Mr. McNish, Los Angeles Urban League; and Mr. Anthony Smith, Southern Christian Leadership.

Director Hall complimented Senator Watson and the Coalition for a fine presentation and suggested that the same presentation should be made to the Los Angeles County Transportation Commission. Senator Watson indicated that their second stop would be at the Commission offices.

As an additional item under New Business, General Manager Dyer reported that the California Transportation Commission today allocated \$30 million and approved \$72 million for next year. In effect, they have proceeded with the full \$400 million needed for the Metro Rail Project.

On motion of Director Lewis, seconded and unanimously carried, the Board approved Director travel to the Orient to study rapid transit systems and joint development for the period April 13 through April 26, and authorized the Treasurer to pay expenses incurred.

The Board adjourned to closed session at 3:30 p.m. on a motion duly made, seconded and carried, to consider Workers Compensation matters.

The Board returned from closed session at 3:58 p.m. No report was made of matters discussed in closed session.

The meeting adjourned at 3:58 p.m.


District Secretary