



MINUTES/PROCEEDINGS

**LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING
BOARD OF DIRECTORS**

**MTA Headquarters
3rd Floor - Board Room
One Gateway Plaza
Los Angeles**

September 28, 1998

Called to order at 1:25 p.m.

Directors Present:

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

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

1. APPROVED **Consent Calendar** Items 11, 13, 14, 15, 18, 20, 30, 31, 32, 33, 34

Noted Items **Approved Under Committee Authority:** 9 & 29

2. CARRIED OVER **Minutes** of Board Meetings held August 27, 1998.

3. Chief Executive Officer's Report

NO REPORT WAS MADE

4. Chair's Report

Presented Resolution to former MTA General Counsel David Kelsey

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

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

8. APPROVED, subject to compliance with MTA protest procedures, award of contracts to the lowest responsive, responsible bidders under Bid No. 01-9813, covering the procurement of **new bus engine air filters**, for a 27-month term at a total bid price of \$288,435:

A) Neopart Inc.	Items 1 and 3	\$ 93,095
B) Universal Coach Parts	Item 2	\$ 68,845
C) Interstate Filters	Items 4 and 5	\$108,883
D) Vehicle Maintenance Program	Item 6	\$ 17,612

9. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of contract to Valley Detroit Diesel Allison, Mira Loma, for the procurement of **20 Allison B400R Transmissions with W-Tech II electronics for the Neoplan CNG bus fleet**, for a total bid cost of \$306,153.

10. CARRIED OVER award of contract to Unique Manufacturing Corporation (UMC), on a sole source contract basis, for the purchase of **75 new bus cashboxes** in the amount of \$91,740.

11. APPROVED ON CONSENT CALENDAR award of contracts to the lowest responsive responsible bidders under Bid 06-9811 covering the procurement of **paper stock** for a five-year period for a total contract amount not to exceed \$8,095,000, inclusive of four one-year options:

		<u>Annual Price</u>
A) AFA Enterprises	64 items	\$675,214
B) A & R Brokers	22 items	\$760,833
C) Xpedx	18 items	\$182,953

13. APPROVED ON CONSENT CALENDAR an increase of \$1,345,503 in the Authorization for Expenditure (AFE) for Contract No. B261, with Tutor-Saliba-Perrini, JV, increasing the AFE from \$50,663,698 to \$52,009,201, to provide **funding for various change orders** executed within Board-delegated authority on the Metro Red Line, Wilshire and Vermont/Hollywood Corridors (Segment 2).

Conflict of Interest: Riordan

14. APPROVED ON CONSENT CALENDAR an increase of \$275,970 in the Authorization for Expenditure (AFE) for Contract No. B631, Traction Power Installation, with Fischbach and Moore, Inc. increasing the AFE from \$5,764,271 to \$6,040,241, to provide **funding for pending and merited change notices** that are within Board-delegated authority on the Metro Red Line, Wilshire and Vermont/Hollywood Corridors (Segment 2).

Conflict of Interest: Alatorre, Molina, Riordan

15. APPROVED ON CONSENT CALENDAR an increase of \$349,065 in the Authorization for Expenditure (AFE) for Contract No. B271, Hollywood/Western Station with Kiewit-Shea, JV, increasing the AFE from \$44,874,669 to \$45,223,734, to provide **funding for various change orders executed within Board-delegated authority**, on the Metro Red Line, Wilshire and Vermont/Hollywood Corridors (Segment 2).
18. APPROVED ON CONSENT CALENDAR adoption of a resolution revising the **MTA Records Retention Schedule**.
20. APPROVED ON CONSENT CALENDAR execution of amendments to service contracts with the vendors listed below for **Medical, Dental, Life, and Long Term Disability benefits** for the second year of a three year contract, effective January 1, 1999 for a total estimated annual cost of \$1,117,500 for the calendar year of 1999:

<u>PROVIDER</u>	<u>LOCATION</u>	<u>BENEFIT</u>	<u>MTA PREMIUM</u>
a) Blue Cross of California	Los Angeles	Medical	\$148,000
b) California Care Health Plans	Los Angeles	Medical	\$ 59,000
c) Kaiser Permanente	Glendale	Medical	\$ 115,500
d) Value Options	Long Beach	Medical	\$ 4,500
e) Vision Service Plan	Long Beach	Medical	\$ 6,000
f) Delta Dental	Cerritos	Dental	\$ 24,500
g) Safeguard Health Plans	Laguna Hills	Dental	\$ 6,500
h) Dental Health Services	Long Beach	Dental	\$ 9,500
i) Standard Insurance Company	Sherman Oaks	Life	\$ 699,000
j) Chubb Group of Insurance Cos.	Long Beach	AD&D	\$ 21,500
k) UNUM Life Insurance Company		LTD	\$ 23,500

Conflict of Interest: Riordan

21. APPROVED:

- A. negotiation and execution of a Change Order to Contract MC025 with U.S. Public Technologies, Inc. (U.S.P.T.) covering **photo enforcement services** on current installations for a period of nine months ending June 30, 1999 in an amount not to exceed \$528,000;
- B. negotiation and execution of a Change Order to Contract MC025 with U.S.P.T. covering six (6) additional photo enforcement intersections, in an amount not to exceed \$575,000, comprised of the following:
 - 1. construction of five (5) Photo Enforced Intersections along Washington Blvd. & Flower Street (street-running)
 - 2. Construction of one (1) Photo Enforced Intersection along the MBL Corridor (Cab signal)
- C. an increase to the Authorization for Expenditure (AFE) to contract No. MC025 with U.S.P.T. in the amount of \$1,103,000 to cover cost of equipment repair and replacement and third party expenditures that include LADOT design reviews, permits and engineering support, increasing the total AFE from \$2,404,655 to \$3,507,655; and
- D. use of \$55,000 from Board contingency.

22. Closed Session - Conference with Legal Counsel - Existing Litigation - G.C. 54956.9 (a)

- A. Low v. LACMTA - LASC Case No. LC039197

APPROVED settlement in the amount of \$150,000
- B. Medina v. LACMTA - LASC Case No. BC174252

APPROVED settlement in the amount of \$500,000

23. Closed Session - Conference with real property Negotiators concerning price and/or terms of payment - G.C 54956.8:

Parcel No. C3-806
Owner: Terry Lumber Co, Et. Al
Metro Red Line (Segment 3) North Hollywood

APPROVED litigation settlement in the amount of \$387,000, including costs and attorney fees

25. APPROVED LEGASPI MOTION, AMENDED BY ANTONOVICH: That the Board direct the CEO to work with Caltrans District 7 and the California Highway patrol and report back in 60 days on:

1. A restatement of the goals of freeway service patrol program;
2. Whether there have been any measurable, negative impacts on freeway traffic directly related to the FY 98-99 cut in mid-day freeway service patrol;
3. Support the restoration of mid-day service on some or all beats and determine what, if any, changes in freeway patrol service are necessary to meet the goals of the freeway patrol service program; and
4. Recommended funding sources for any recommended service additions.

IT IS FURTHER RECOMMENDED that issues to be considered should include, but not necessarily be limited to:

- Congestion levels of beats
- Rate of assists per beat
- Average response and delay time
- Current mid-day service usage

Conflict of Interest: Molina

CONVENED AS SAFE BOARD

26. APPROVED amending Contract No. LAT-053-96 with Comarco Wireless Technologies, Inc. Irvine, California, for an amount not to exceed \$271,619 and a duration not to exceed 18 months to provide for **crash testing of the Teletypewriter (TTY) call box**. The total amended value of the contract shall be \$4,339,339

27. APPROVED award of a fixed price contract to Gun for Hire Film & Tape (Gun for Hire), Santa Monica, to produce a **Public Service Announcement (PSA)** for SAFE's Teletypewriter (TTY) Call Box in the amount of \$116,444.

RECONVENED AS MTA BOARD

29. **APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY** (4-0) amendment to Contract No. 6294 with Inter-Con Security Systems, Inc. in the amount of \$338,236 to fund **additional security services**, for a total contract value of \$3,338,236.

Conflict of Interest: Riordan, Bernson

30. APPROVED ON CONSENT CALENDAR an increase in the Authorization for Expenditure AFE) for Contract No. B648B with Steiny and Company to provide required **funding for pending and merited change notices** that are within the Board-delegated authority for **communications installation** on the Metro Red Line, Vermont/Hollywood Corridor, Segment 2 in the amount of \$491,059, for a revised AFE of \$4,034,418.

31. APPROVED ON CONSENT CALENDAR:

- A. Change Notice B271-CN-156.00 to Contract no. B271 with Kiewit-Shea, JV, to **settle Disputes Review Board (DRB) merited claim for payment of additional interior wall concrete** for the Metro Red Line, Wilshire and Vermont Hollywood Corridor (Segment 2);
- B. negotiation and execution of the resulting Change Order B271-CO-73.00 in an amount up to the Claim Value of \$770,500, subject to findings of audit; and
- C. increasing the Authorization for Expenditure (AFE) by \$770,500 to \$45,645,169 to cover CN 156.

32. APPROVED ON CONSENT CALENDAR award of contract to Booz Allen & Hamilton to perform the **FY 95-97 Triennial Performance Audit of the transit operators** for a firm fixed price of \$445,134.

33. APPROVED ON CONSENT CALENDAR award of contract to Price Waterhouse Coopers to perform the **FY 95-97 Triennial Performance Audit** of the Los Angeles County Metropolitan Transportation Authority for a firm fixed price of \$ 202,009.

Conflict of Interest: Riordan

34. APPROVED ON CONSENT CALENDAR amending the MOU with the Community Redevelopment Agency (CRA) to allow the CRA to **expend up to \$100,000 in previously allocated HCIP grant funds for cleaning along the Hollywood and Vermont corridors** necessitated by construction delays at various MTA work sites.

35. CARRIED OVER execution of the following agreements:

- A. Amendment to the **Fiber Optic Agreement** between MTA and Pacific Pipeline Systems, Inc. ("PPSI") permitting PPSI to: (i) convey to Qwest Communications ("Qwest") the right to use, for commercial purposes, two conduits installed by PPSI in conjunction with their 20-inch oil pipeline located on approximately 22 miles of MTA right-of-way between the communities of Sylmar and Chinatown; and (ii) install fiber for the benefit of Qwest within the Commercial Conduits; and
- B. A twenty-five (25) year agreement with Qwest Communications permitting the commercial use, operation and maintenance of two conduits for a one-time payment of \$725,000 to MTA, subject to Qwest's option to extend the term for consecutive 25 year periods at market rates as agreed to by the parties. If the parties cannot agree, the market rates shall be established by binding arbitration prior to the end of a 25 year term.

36. APPROVED, AS AMENDED BY BURKE:

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

Subject to availability of funding to be presented at the October Operations and Finance & Budget Committees.

Steve Carnevale, General Counsel, announced Closed Session would include an additional item of potential litigation under G.C. 54956.9(b).

37. Closed Session

- A. Conference with Legal Counsel - Existing Litigation - G.C.54956.9(a):

LACMTA ex rel. Michael Lissack v. Lazard Freres & Co. SFSC 98098

APPROVED acceptance of \$9 million settlement and indemnification against any claims from the IRS

- B. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956.9(c)

One Case

NO REPORT WAS MADE

C. Conference with Legal Counsel - Anticipated Litigation - G.C.54956.9(b)

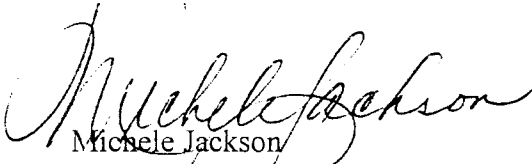
One Case

NO REPORT WAS MADE

Received public comment.

The meeting adjourned at 3:24 p.m.

PREPARED BY: Rhodona Enright
Recording Secretary


Michele Jackson
Assistant Board Secretary



RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY
 BOARD MEETING
 MONDAY, SEPTEMBER 28, 1998

ATTENDANCE

AB	AB	P	P	P	P	P	P	P	P	AB	P	P	AB	AB
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DIRECTORS VOTING

ITEM NO.	SUBJECT ITEM	ACTION TAKEN	ALATORRE	ANTONOVICH	BERNSON	BURKE	CRAIG	FASANA	KNABE	LEGASPI	MOLINA	OROPEZA	YAROSLAVSKY	ZARIAN	RIORDAN	HARRIS
1	CONSENT CALENDAR, ITEMS 11, 13, 14, 15, 18, 20, 30, 31, 32, 33, 34	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	Y	Y	
	COMMITTEE AUTHORITY ITEMS 9, 29	NOTED														
2	MINUTES	CARRIED OVER														
3	Report of the CEO	NONE														
4	Report of the Chair	Presented Resolution to David Kelsey														
5	EMC	CARRIED OVER														
7	360 Tire Kits	CARRIED OVER														
8	Bus Engine air filters	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	AB	Y	

LEGEND: Y - YES, N - NO, C - CONFLICT, A - ABSTAIN, AB - ABSENT, P - PRESENT



RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

BOARD MEETING

MONDAY, SEPTEMBER 28, 1998

ATTENDANCE

AB	AB	P	P	P	P	P	P	P	AB	P	P	AB
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DIRECTORS VOTING

ITEM NO.	SUBJECT ITEM	ACTION TAKEN	ALATORRE	ANTONOVICH	BERNSON	BURKE	CRAGIN	FASANA	KNABE	LEGASPI	MOLINA	OROPEZA	VAROSLAVSKY	ZARIAN	RIORDAN	HARRIS
21	Photo enforcement services Metro Blue Line	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	AB	Y	
22	Closed Session - A - Low; B Medina	A - \$150,000 SETTLEMENT B- \$500,000 SETTLEMENT	AB	AB	AB	Y	Y	Y	Y	Y	Y	AB	Y	AB	Y	
23	Closed Session - Terry Lumber Co	SETTLEMENT \$387,000 INCLUDING COST AND ATTY FEE	AB	AB	AB	Y	Y	Y	Y	Y	Y	AB	Y	AB	Y	
25	Freeway service patrol program	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	C	AB	Y	AB	Y	
26	SAFE BOARD crash testing TTY call box	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	Y	Y	
27	SAFE BOARD public service film TTY call box	APPROVED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	Y	Y	
29	Inter-Con security	APPROVED UNDER COMMITTEE AUTHORITY		Y	AB	Y	Y	Y	Y	Y	Y					
30	Communications installation	APPROVED ON CONSENT CALENDAR														

LEGEND: Y - YES, N - NO, C - CONFLICT, A - ABSTAIN, AB - ABSENT, P - PRESENT



RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

BOARD MEETING

MONDAY, SEPTEMBER 28, 1998

ATTENDANCE

AB	AB	P	P	P	P	P	P	P	P	AB	P	P	AB
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DIRECTORS VOTING

ITEM NO.	SUBJECT ITEM	ACTION TAKEN	ALATORRE	ANTONOVICH	BERNSON	BURKE	CRAGIN	FASANA	KNABE	LEGASPI	MOLINA	OROPEZA	YAROSLAVSKY	ZARIAN	RIORDAN	HARRIS
31	B271 Interior wall concrete	APPROVED ON CONSENT CALENDAR														
32	FY95-97 Triennial Performance Audit transit operators	APPROVED ON CONSENT CALENDAR														
33	FY95-97 Triennial Performance Audit MTA	APPROVED ON CONSENT CALENDAR													C	
34	HCIP grant funds for cleaning	APPROVED ON CONSENT CALENDAR														
35	Fiber Optic Agreement	CARRIED OVER														
36	Bus Procurement	APPROVED AS AMENDED	AB	AB	Y	Y	Y	Y	Y	Y	Y	AB	Y	Y	Y	
37	Closed Session	ACCEPTED \$9 MILLION AND INDEMNIFICATION AGAINST ANY FUTURE CLAIMS FROM THE IRS	AB	AB	AB	Y	Y	Y	Y	Y	Y	AB	Y	AB	Y	

LEGEND: Y - YES, N - NO, C - CONFLICT, A - ABSTAIN, AB - ABSENT, P - PRESENT