



**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**

**Thursday, July 29, 1999**

**Called to order at 9:45 A.M.**

**Directors Present:**

Yvonne Brathwaite Burke, Chair  
James Cragin, First Vice Chair  
Richard Riordan, Second Vice Chair  
Michael Antonovich  
Hal Bernson  
John Fasana  
Don Knabe  
Jose Legaspi  
Gloria Molina  
Jenny Oropeza  
Frank Roberts  
Zev Yaroslavsky  
Tony V. Harris, Ex Officio

Chief Executive Officer - Julian Burke  
Interim Board Secretary - Michele Jackson  
Inspector General - Arthur Sinai  
General Counsel - County Counsel

**NOTE:** Members voting are reflected on the attached "RECAP OF PROCEEDINGS" matrix.

1. **APPROVED UNDER RECONSIDERATION CONSENT CALENDAR** Items 2, 8, 17, 25, 26, 27, 35, 42, 45 **AS AMENDED BY MOLINA (REFERRED TO AS "CAVEAT" THROUGHOUT THESE MINUTES) - THAT BEGINNING WITH THIS MEETING AND CONTINUING UNTIL FURTHER ACTION BY THIS BOARD, ALL ACTIONS OF THIS BOARD ALLOCATING OR PROGRAMMING FUNDS TO OTHER ENTITIES SHALL BE CONSIDERED AS CONTINGENT AND SUBJECT TO RECONSIDERATION BY THE BOARD IF SUCH FUNDS ARE LEGALLY USABLE, OR COULD BE MADE LEGALLY USABLE, FOR BUS CAPITAL OR OPERATING PURPOSES.**

**NOTED COMMITTEE AUTHORITY ITEMS:** 10, 11, 12, 18, 19, 20 and 22

## **CONSENT CALENDAR**

2. **APPROVED Minutes** of Regular Board Meeting held on June 24, 1999 and Special Board Meetings held on May 24, 1999, June 7, 1999 and June 17, 1999.
  
8. **APPROVED :**
  - A. award of a 27-month firm fixed price contract to Neopart Inc., North Ridge, the lowest, responsive, responsible bidder to purchase up to **300 Lift-U Rear Door Wheel Chair Lifts Assemblies**, commencing August 1999 for the TMC 1200-1502 Series Ethanol/Diesel conversion fleet for an amount not to exceed \$4,248,300;
  
  - B. authorizing the CEO to execute change orders in the amount not to exceed \$250,000 for additional material and engineering support.
  
17. **APPROVED** negotiation and execution of Change Order No. 86 to Contract C0311 with Traylor Bros./Frontier-Kemper, JV to provide **compensation due to Differing Site Conditions (DSC)** for the additional support measures to control the shear zone in the AR tunnel between Sta. 672+28 to 670+14 and in the AL tunnel between Sta. 671+90 to 670+25 on the Metro Red Line, North Hollywood Corridor, in the amount of \$753,963, increasing the Total Contract Value from \$163,481,004 to \$164,234,967.

25. APPROVED the execution of a five year lease agreement with the City of Los Angeles, Board of Airport Commissioners, effective July 1, 1999, **for the lease of 2.0177 acres of land and improvements located at 6111 West 96<sup>th</sup> Street, Los Angeles** (“Terminal 27”), at a base monthly rental amount of ~~\$3,576~~ \$3,909 plus \$1,000 per month for lease of the improvements.
26. APPROVED award of a non-competitive 5-year firm fixed price agreement with Thomas Brothers Maps (TBM) Incorporated, Irvine, **for a license to provide enterprise wide use of the TBM Digital Map Database** and related products for a firm fixed price not to exceed \$315,000.
27. APPROVED negotiation and execution of a five year contract with Bank of New York, Western Trust Company (BONY), to provide **custodial services for the MTA’s operating funds**, commencing July 30, 1999, for an amount not to exceed \$380,000, inclusive of two one-year options.
30. WITHDRAWN BY STAFF:
- A. Revising the MTA’s current **Disadvantaged Business Enterprise Program** to include:
1. Updated Good Faith Efforts Criteria,
  2. Implementation and enforcement of “Prompt Payment” and/or “Retention” Clause(s) on Prime & Subcontractor Agreements,
  3. Modified DBE certification eligibility requirements;
- B. Approving continuation with 23% as the DBE Annual Goal; and
- C. Revising the MTA’s current policy of recognizing only DBEs certified at time bid proposals are due to that of recognizing only DBEs certified by the contract award date.
35. AUTHORIZED the Chief Executive Officer, or designee, to continue exclusive negotiations with McCormack Baron (the “Developer”) for an additional six months regarding the proposed **Phase Two project at the Metro Red Line Hollywood/Western** portal provided that the promissory note and secured letter of credit for the MTA’s Phase One property remain in place and payable to the MTA if an agreement cannot be reached.

42. APPROVED:

- A. award of firm fixed price Contract H0120R to Steiny & Co., Inc., the lowest responsible, responsive technically acceptable offer or to provide the **Radio System Retrofit for the Metro Red Line, Segment 1**, in the amount of \$6,178,615, subject to FTA concurrence on the Buy America waiver request; and
- B. an Authorization for Expenditure (AFE) to provide contingency for possible changes that are within the Board delegated authority in the amount of \$6,796,477.

45. APPROVED:

- A. an **increase in the Chief Executive Officer's contract approval authority** for Purchases, Services and Miscellaneous contracts, other than Public Works contracts, from \$100,000 to \$200,000 per contract;
- B. establishing Board delegated CEO contract approval authority for modifications/amendments to an aggregate of \$100,000 over the life of the contract; and
- C. establishing that modifications/amendments to service contracts directly related to rail construction be treated same as rail construction (Public Works) change orders.

**NOTED ITEMS APPROVED UNDER COMMITTEE AUTHORITY** (Items 10, 11, 12, 18, 19, 20 and 22)

- 10. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a non-competitive contract to Procurement Services Associates (PSA), **to provide continued temporary contract administration staffing** for a period not to exceed 24 months, commencing August 1, 1999, in an amount not to exceed \$1,500,000.
- 11. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a 27-month fixed price competitive contract to Asbury Environmental Company, Compton, the lowest responsive, responsible bidder to provide **recycled coolant for revenue and non-revenue fleet, as well as disposal of used coolant** for a not to exceed amount, including tax, of \$561,329.

12. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) negotiation and execution of:
  - A. a change order with North American Bus Industries, to provide **various changes to the 215 Low Floor CNG buses** in an amount not to exceed \$731,132 including sales tax, for a total revised contract amount of \$73,768,287; and
  - B. change orders for this procurement only, in amounts less than \$500,000 per change order, with cumulative change orders not to exceed 10% of the current approved contract value.
  
18. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) to Contract No. CO538, Demolition Phase I, with Interior Demolition Inc., covering **miscellaneous changes to implement design specification revisions, provide quantity variations or resolve construction problems**, in the amount of \$82,500 for a total revised AFE amount from \$641,135 to \$723,635.
  
19. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) to Contract B646 (Seg. 2), with Syseca, Inc., to **provide funding for pending changes and claims**, under Board-delegated staff authority in the amount of \$192,004, increasing the Segment 2 AFE value from \$4,522,410 to \$4,714,414.
  
20. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) to Contract B646 Seg. 3, with Syseca, Inc., to **provide funding for pending changes and claims**, under Board-delegated staff authority in the amount of \$138,641, increasing the Segment 3 AFE value from \$2,862,183 to \$3,000,824.
  
22. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY (4-0) an increase in the Authorization for Expenditure (AFE) to Contract MS201, with Ryco Construction, Inc. covering **Hollywood Boulevard Restoration**, in the amount of \$638,510 for a total revised AFE of \$2,758,211.

## NON-CONSENT

3. Chief Executive Officer's Report
  - Consent Decree Update
  
4. Chair's Report
  - Presented plaque to family of Ricardo Hernandez
  - Opening remarks
  
9. APPROVED UNDER RECONSIDERATION AS AMENDED TO **INCLUDE** "CAVEAT" authorizing execution of a Change Order with Laidlaw Transit Services, Inc. for **local transit services** in an amount not-to-exceed \$5,430,058 for a total revised contract amount of \$25,748,307, extending the period of performance from July 1, 1999 through January 8, 2000.
  
13. AUTHORIZED the CEO to exercise three option years as they become due, with Waste Management of Los Angeles, Gardena, to provide **recycling and trash hauling services** in an amount not to exceed \$707,676 for a total five year contract value not to exceed \$1,179,459, subject to staff's determination that Waste Management continues to be a responsible business establishment.
  
16. APPROVED:
  - A. execution of a Work Authorization Change Notice No. 469 to Contract No. 3369 with Parsons-Dillingham **to fund cost growth on the Metro Red Line, Vermont/Hollywood Corridor (Segment 2B)** in an amount not-to-exceed \$1.5 million and report back in 2 months; and
  - B. an increase in the Authorization for Expenditure (AFE) to provide funding for pending changes that are within the Board-delegated authority in the amount of \$1.5 million.

21. APPROVED ON A 2/3 VOTE:
- A. Public Utilities Code (PUC) Section 130237 allows the MTA Board to purchase equipment, upon a finding of two-thirds of all members that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing, equipment or material already in use;
  - B. exercising and execution of an option to H0123, with Steiny and Company, Inc., for **Variable Message Signs** to support the Metro Blue Line, Long Beach Corridor in the amount of \$270,625;
  - C. authorization for Expenditure (AFE) in the amount of \$297,688, which includes \$270,625 for the option and an allowance of \$27,063 for potential changes.
34. APPROVED Caltrans' request to transfer **Prop C funds** in the amount of \$3,419,298 from HOV Project No. 363/4290 (Route 605 from the Orange County Line to South Street ) to HOV Project No. 2200 (Southbound HOV lane on the Route 405 San Diego Freeway from Waterford Street to Route 101) so that Caltrans can award the construction contract to the lowest bidder for Project No. 2200;
36. APPROVED ON A ROLL CALL VOTE AS AMENDED TO INCLUDE "CAVEAT":
- A. **FY00 Transportation Development Act (TDA), TDA interest, State Transportation Assistance (STA) and Proposition A Discretionary fund allocations;**
  - B. Proposition A and C interest allocations;
  - C. Proposition C 40% allocations for the Bus Service Improvement Program (BSIP), Foothill Mitigation Program, the Transit Service Expansion Program and the Base Restructuring Program;
  - D. FY00 TDA Article 8 Fund allocations;
  - E. FY00 Proposition A & C Local Return and TDA Article 3 allocation;
  - F. Proposition A Incentive Program allocations;
  - G. Allocation of Congestion Management and Air Quality (CMAQ) funds for Bus capital improvements included in the Regional Transportation Alternatives Analysis (RTAA);

40. CARRIED OVER:

- A. that no change be made to the **formula for allocation of Federal Section 5307** Capital funds or in the way these funds are allocated for two years;
- B. that **Proposition C 40% funds** be allocated for FY 1999-00 and FY2000-2001 to the included and eligible municipal operators pursuant to the formula allocation procedure. This allocation is based on the Consent Decree funding allocated to MTA Operations up to an amount not to exceed \$15 million per year. These allocations are in addition to the existing Proposition C 40% funded programs.

46. APPROVED 1999 TIP Call for Projects AS AMENDED TO INCLUDE "CAVEAT":

- A. Recertify **\$73.7 million** in existing FY 1999-00 commitments from the 1997 TIP Call for Projects and authorize the expenditure of funds to meet those commitments (Attachment 1).
- B. Deobligate **\$2 million** of previously approved project funding due to project savings, cancellation, or lapsing (Attachment 2).
- C. Program **\$568.7 million**, including (1) **\$553.1 million** to projects recommended by both staff and Technical Advisory Committee (TAC) in eight categories, (2) **\$8.9 million** to fully fund the 1999 Interregional Transportation Improvement Program (ITIP) augmentation projects approved by California Transportation Commission (CTC), and (3) **\$6.7 million** to fund specific bicycle and pedestrian projects recommended by TAC (Attachments 3 and 5).
- D. Authorize staff to submit projects (Attachment 5) for appropriate state funding sources programmed through this TIP Call for Projects.
- E. Administer the TIP Call for Projects as a project-specific grant program with the requirement that project sponsors bear all cost increases.
- F. Execute a Memoranda of Understanding (MOU) or Letter of Agreement (LOA) with all project sponsors of approved projects to ensure adherence to all applicable, federal, state, and local policies, rules, and regulations and to ensure that the scope of each project is documented and can be audited.
- G. Amend the recommended TIP Call for Projects Programs of Projects (Attachment 5) into the FY 1999-04 Los Angeles County Regional Transportation Improvement Program (RTIP).



B. Closed Session: Personnel Matters - G.C. 54957

Roberts Motion - to discuss the direct permanent appointment of two Board of Directors staff: 1) Board Secretary and 2) Ethics Officer.

B-1: CARRIED OVER

B-2: AUTHORIZED recruitment of Ethics officer.

C. Conference with Legal Counsel - Anticipated Litigation - G.C. 54956 (b)

One Case - APPROVED settlement of \$3.39 million with Alstom.

D. Conference with Labor Negotiator - G.C. 54956.8

Negotiator: Tom Webb

Employee Organization: AFSCME

CARRIED OVER.

RECEIVED public comment.

ADJOURNED

PREPARED BY: Christina Lumba-Gamboa  
Recording Secretary



Michele Jackson  
Interim Board Secretary



# RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

BOARD MEETING

THURSDAY, JULY 29, 1999

ATTENDANCE	A	P	P	P	P	P	P	P	P	P	P	P
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## DIRECTORS VOTING

ITEM NO.	SUBJECT ITEM	ACTION TAKEN	ALATORRE	ANTONOVICH	BERNSON	BURKE	CRAGIN	FASANA	KNABE	LEGASPI	MOLINA	OROPEZA	YAROSLAVSKY	ROBERTS	RIORDAN	HARRIS
1	CONSENT CALENDAR ITEMS: 2, 8, 17, 21***, 25, 26, 27, 30, 35, 36, 42, 45	APPROVED AS AMENDED UNDER RECONSIDERATION TO INCLUDE MOLINA MOTION (REFERRED TO AS "CAVEAT") THROUGHOUT THESE MINUTES. ITEM 30 WITHDRAWN; ITEM 21 AND ITEM 36 PULLED FOR DISCUSSION.	A	A	Y	Y	N	N	Y	Y	Y	N	Y	N	Y	
2	APPROVED UNDER COMMITTEE AUTHORITY: ITEMS 10, 11, 12, 18, 19, 20 AND 22	NOTED														
3	MINUTES -	APPROVED ON CONSENT CALENDAR														
	REPORT OF THE CEO	RECEIVED														

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



# RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY  
 BOARD MEETING  
 THURSDAY, JULY 29, 1999

## ATTENDANCE

A	P	P	P	P	P	P	P	P	P	P	P	P	P
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## DIRECTORS VOTING

ITEM NO.	SUBJECT ITEM	ACTION TAKEN	ALATORRE	ANTONOVICH	BERNSON	BURKE	CRAGIN	FASANA	KNABE	LEGASPI	MOLINA	OROPEZA	VAROSLAVSKY	ROBERTS	RIORDAN	HARRIS
4	REPORT OF THE CHAIR	RECEIVED														
8	AWARD 27 MONTH CONT TO NEOPART INC. FOR 300 LIFT-U-REAR DOOR WHEELCHAIR LIFTS ASSEMBLIES	APPROVED ON CONSENT CALENDAR														
9	CHANGE ORDER W/LAIDLAW TRANSIT SERVICES, INC. FOR LOCAL TRANSIT SERVICES	APPROVED UNDER RECONSIDERATION AS AMENDED TO INCLUDE "CAVEAT"	A	A	C	Y	Y	N	Y	Y	Y	Y	C	Y	Y	
10	AWARD NON-COMPETITIVE CONT. TO PROCUREMENT SERVICES ASSO. TO PROVIDE CONTINUED TEMPORARY CONT. ADMIN. STAFFING FOR 24 MONTHS	APPROVED UNDER COMMITTEE AUTHORITY		Y	Y	Y	A	Y								

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

