



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**

February 25, 1999

Called to order:

Directors Present:

Richard Riordan, Chair
James Cragin, Second Vice Chair
Richard Alatorre
Michael Antonovich
Hal Bernson
John Fasana
Don Knabe
Jose Legaspi
Gloria Molina
Jenny Oropeza
Zev Yaroslavsky
Larry Zarian
Tony V. Harris, Ex Officio

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

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

1. **APPROVED Consent Calendar** Items 2, 9, 13, 14, 15, 16, 29, 30, 31, 35, 36, 40, 45

Noted Items **Approved Under Committee Authority:** 10, 11, 12, 19, 20, 21, 22, 23

2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held on January 28, 1999.
3. Chief Executive Officer's Report

NO REPORT
4. Chair's Report

NO REPORT
9. **APPROVED ON CONSENT CALENDAR** award of a five-year firm-fixed price contract to:
 - A. Cleanwell Maintenance Co., the lowest responsive, responsible bidder for **janitorial services** for the Harbor Transit Way Stations and Customer Service Centers, at a total cost of \$206,940, inclusive of two one-year options; and
 - B. Metro Building Maintenance Co., the lowest responsive, responsible bidder for **janitorial services** at Red (A) Line Vermont Plaza, at a total cost of \$151,320, inclusive of two one-year options.
10. **APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY** execution of a change order with Southern California Overhead Door Company, South El Monte, to provide **roll-up door installation and maintenance services** for all MTA transit facilities, in the amount of \$40,383.
11. **APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY** award of a 27 month contract to National Packaging Specialists, Inc., Tucker, GA, the lowest responsive, responsible bidder covering **Scan Coin Film** for a firm fixed price of \$185,838.
12. **APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY** additional funding to Contract PS6210 0028 with Employee Support Systems Company (ESSCO), for **continued employee assistance program services for MTA and PTSC employees and their immediate family members**, on an incremental basis, as needed, in an amount not to exceed \$395,000 for the remaining three years of a five year contract.
13. **APPROVED ON CONSENT CALENDAR** Change Order with RYDER/ATE Inc., to **continue contracted bus service for a 90 day period from March 9 to June 8, 1999, while providing sufficient time to complete contract negotiations on a one-year extension**, for an amount not to exceed \$4,165,555 increasing the total contract value to \$37,751,110.
14. **APPROVED ON CONSENT CALENDAR disposal of 58 surplus/obsolete buses by:**
 - A. selling 56 buses through the use of an **off-site auction** for a total estimated revenue of \$28,000, less towing fees of approximately \$7,000, for a total net revenue of \$21,000; and
 - B. **donating two buses** to the Los Angeles Fire Department for Emergency Response Preparedness.

15. **APPROVED ON CONSENT CALENDAR disposal of personal property** that has a market value of up to \$100,000 and **development of surplus personal property guidelines** for incorporation into the procurement policies and procedures manual.
16. **APPROVED ON CONSENT CALENDAR** accepting the qualifications of Sharon G. Sanders, Deputy County Counsel, and Ernest C. Horstmanhoff, Sr. Employee Relations Representative, for **appointment as hearing examiners to conduct administrative hearings for parking citations** issued by the Los Angeles Police Department and Los Angeles County Sheriff's Department to violators of parking regulations in MTA bus zones, Park N Ride lots and other MTA properties.
18. **NO ACTION TAKEN:**
 - A. execution of Change Order No. B281T-CO-96.00 with Kajima/Ray Wilson, JV, Hollywood Tunnel Completion, covering **tunnel-completion demobilization**, Metro Red (A) Line, Vermont/Hollywood Corridor (Segment 2) and North Hollywood Extension (Segment 3), in the amount of \$291,679, increasing the total contract value to \$50,785,056; and
 - B. an increase to the Segment 3 Authorization for Expenditure by \$254,168, increasing the AFE to \$254,168.
19. **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY** the following for Contract E0090 with LTK Engineering, Inc.:
 - A. an increase to Contract Work Order No. 6 for **additional oversight of the Breda Option 2 cars**, in the amount of \$650,047, increasing the total contract value to \$7,064,695;
 - B. an increase to the Authorization for Expenditure (AFE) for Metro Red (A) Line, Project 800082 in the amount of \$469,740, increasing the total AFE to \$3,065,481, which includes a contract contingency to cover the cost of any changes or extra work which cannot be anticipated;
 - C. an increase to the Authorization for Expenditure (AFE) for Metro Red (A) Line, Project 800084 in the amount of \$339,728, increasing the total AFE to \$1,222,464; which includes a contract contingency to cover the cost of any changes or extra work which cannot be anticipated; and
 - D. extension of Contract E0090 beyond the five-year term required by FTA guidelines to May, 2000, verbal concurrence from the FTA has been received.
20. **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY** an increase in the Authorization for Expenditure to Contract No. B795 with Custom Power, Inc. to provide **funding for pending changes that are within Board-delegated authority** for Metro Red (A) Line, Wilshire and Vermont/Hollywood and North Hollywood Corridors, increasing the amount by \$216,000 to a total current Segment 2 AFE of \$2,305,151 and Segment 3 AFE to \$1,572,937 (\$100,000 increase for Segment 2 and \$116,000 for Segment 3).
21. **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY, WITH EXPEDITED CONTRACTING PROCEDURES:**
 - A. negotiation and execution of Change Order 32.00 to Contract B648B with Steiny &

Company, Inc., for **communications installation** work on the Metro Red (A) Line, Vermont/Hollywood Corridor, in an amount not to exceed \$700,000, subject to merit determination and audit, increasing the total contract value to \$5,385,123; and

B. an increase to the Authorization for Expenditure of \$700,000 to a total AFE of \$5,680,180.

22. **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY, WITH EXPEDITED CONTRACTING PROCEDURES:**

A. an increase in Contract H0648-WACN-3.01, to communications installation, Contract H0648 with Steiny & Company, Inc., covering **re-sequencing and reducing the installation duration**, Metro Red (A) Line, North Hollywood Extension (Segment 3), from \$195,000 to \$689,000, increasing the total contract value to \$5,559,053; and

B. an increase in the Authorization for Expenditure of \$689,000, increasing the AFE to \$5,961,908.

23. **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY, WITH EXPEDITED CONTRACTING PROCEDURES:**

A. execution of Work Authorization Change Notice (WACN) No. B261-CN-297.00 with Tutor-Saliba-Perini, JV, for **acceleration of selected schedule items** on the Metro Red (A) Line, Vermont/Hollywood Corridor, Vermont/Sunset Station, to ensure meeting the Segment 2 Revenue Operation Date, in an amount not to exceed \$600,000, increasing the total contract value to \$50,708,193;

B. negotiation and execution of the subsequent Change Order providing that the negotiated value is less than or equal to \$600,000; and

C. an increase in the Authorization for Expenditure of \$600,000 to \$52,609,201.

29. **APPROVED ON CONSENT CALENDAR** award of a one-year contract to Daum Commercial Real Estate Services to act as the MTA's Exclusive Agent to **market and lease MTA's surplus office space** located at 818 W. 7th Street and 707 Wilshire Boulevard in Los Angeles.

30. **APPROVED ON CONSENT CALENDAR:**

A. declaring the **real property located between Alameda Street and Tamarind Street, south of Mealy Street, Compton as surplus property;**

B. selling said property to Gustavo Medina for the amount of \$95,000.

31. **APPROVED ON CONSENT CALENDAR** the following **amendments to the FY99 budget:**

A. Bus service improvements, including consent decree compliance - \$5,148,000

B. Farebox maintenance - \$117,000

C. Wheelchair lift improvement program - \$759,000

D. Transitional Duty Program - \$1,158,000

E. Reduction in headquarters custodial staff - \$(160,000)

- F. MTA library - \$80,000
- G. Planning staff addition - \$101,000
- H. Alcohol bus conversion program - \$0

32. **ADOPTED** a Resolution authorizing **Sale and Issuance of approximately \$155 million in Proposition A bonds** and approved Notice Inviting Bids and Notice of Intention to Sell Bonds.

35. **APPROVED ON CONSENT CALENDAR** adoption of the following positions on **State Legislation**:

- AB 30 (Pescetti) - Appropriates \$100 million to the Office of Criminal Justice Planning to fund grant for the salaries and benefits of peace officers previously funded by a federal grant that will expire on or before January 1, 2002. **SUPPORT**
- AB 44 (McClintock) - Mandates the re-designation of all existing high occupancy vehicle (HOV) lanes as mixed-flow lanes. **OPPOSE**
- SB 10 (Rainey) - Allocates funds from the State Highway Account (SHA) to fund repairs of local streets and roads. **NEUTRAL**
- SB 14 (Rainey) - Requires the Department of Transportation (Caltrans) to complete a study setting forth criteria for determining the "effectiveness" of HOV lanes. Mandates that Caltrans cannot designate or construct any new HOV lanes until the study is completed. **OPPOSE UNLESS AMENDED**
- SB 17 (Figueroa) - Provides a tax incentive for employers who subsidize transit passes for their employees by granting a tax credit equal to 40% of the employer's cost. **SUPPORT**
- SB 65 (Murray) - Provides \$20 million in funds for transportation programs for CalWORKs recipients. **SUPPORT**

36. **APPROVED ON CONSENT CALENDAR**:

- A. extending professional service contracts for **federal legislative advocacy** with the following firms for a ten month period from March through December, 1999 for a total amount of \$283,820 for CY 99:
 1. Marc Associates, Inc. - \$125,200
Subcontractor: Cliff Madison, Government Relations, Inc.
 2. American Continental Group - \$100,200
 3. Palumbo & Cerrell, Inc. - \$58,420
- B. exercising a one-year option on any or all contracts with the same firms at the same monthly fee for a total not to exceed amount of \$340,614 based on a calendar year and cover the FY 99-00 beginning March, 1999.

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

- A. Neil Silver, et al v. LACMTA, et al, LASC, Case No. BS044100
No Report
- B. Fite v. MTA, LASC Case No. BC132156
APPROVED settlement in the amount of \$650,000
- C. Washington v. MTA, LASC Case BC184275
APPROVED settlement in the amount \$375,000

- D. Shea-Kiewit-Kenny v. LACMTA, Case No. BC133505
APPROVED settlement that includes a waiver by each party of all claims against the other, and the release to Shea-Kiewit-Kenny of the one remaining progress payment which was earned but not yet paid.

38. **APPROVED, AS AMENDED:**

- A. The Transportation Zone Guidelines, as follows:
1. tentatively adopted the amended matrix (attached to the motion) of technical clarifications and policy modifications which will serve as guiding principles in the drafting of the actual guidelines;
 - a. directed staff and MTA's zone consultant to work with interested municipal operators, cities, and zone applicants to identify and address issues of concern contained in the draft guidelines;
 2. staff and the MTA's zone consultant to prepare and release the draft guidelines to the public, the municipal operators, the cities, CAC, ATU, UTU, the zone applicants, BOS, and BRU by March 5;
 - a. ~~receive written comments from the above parties by March 11 and distribute~~
 3. ~~Instructing staff to present all public comments to the Planning & Programming Committee on March 18; and~~
and that these entities provide written comments in time for staff to present them at the April Planning & Programming Committee; and
 4. Instructing staff to bring to the full Board ~~on March 25~~ **no later than April** a draft of the new guidelines, as revised and approved by the Planning & Programming Committee, for final consideration.
- B. contract amendment with Booz-Allen & Hamilton by an amount not to exceed \$100,000, from \$98,500 to \$198,500, and extend the period of performance from February 28 to August 31, 1999 in order to allow the firm to assist in the evaluation of pending Transportation Zone applications.

40. **APPROVED ON CONSENT CALENDAR** additional regional subsidy funding of \$600,000 to the City of Los Angeles and \$170,000 to the City of Norwalk to fund continued operation of the four Los Angeles **Smart Shuttle projects and the Norwalk Line 4** through June 30, 1999.

42. **NO ACTION TAKEN:**

- A. adjustments to the Segment 2 and Segment 3 components of the Contract value and Authorization for Expenditure (AFE) of Contract No. 3369 with Parsons-Dillingham (P-D), with a decrease of \$5,151,172 for Segment 2 and an increase of \$5,151,172 for Segment 3 to properly assign costs incurred by Segment 2 in providing **construction management services** for that portion of the B251 tunnel contract located in the Segment 3 geographic limits. This action will have no effect on the combined Segment 2 and Segment 3 contract value or AFE;
- B. authorizing the CEO to negotiate and execute a Change Order to Contract No. 3369 in an amount not to exceed \$4,282,019 subject to final negotiations, covering completion of Construction Management services in support of Metro Red (A) Line, Vermont/Hollywood Corridor (Segment 2B) and a contract extension through June 2000; and

- C. an increase in the Authorization for Expenditure (AFE) of Contract No. 3369 for Segment 2 in the amount of \$4,282,019.

43. **APPROVED:**

- A. execution of Revision 1 to Contract Work Order No. 72 to Contract E0070 with Engineering Management Consultant for **phase out of the EMC Project Office** and transition to existing project support CWO's 60 and 67 for remaining technical effort, in the not to exceed amount of \$1,416,551 for payment of projected program administrative costs from March, 1999 through December 31, 1999; and
- B. an increase to the Authorization for Expenditure in the amount of \$1,416,551 for a total AFE of \$4,468,008.

45. **APPROVED ON CONSENT CALENDAR** the **transfer of approximately 23,789 square feet of land (APN No. 5129-021-901) located northerly of Washington Boulevard to Julius C. Giannini** d/b/a AAA Packing & Shipping, Inc. in exchange for the transfer of approximately 22,906 square feet of land (APN No. 5129-021-016) located easterly of Long Beach Boulevard to MTA.

46. **CONSIDERED IN CLOSED SESSION ALATORRE MOTION** - that the MTA Board of Directors direct MTA and PTSC management to enter into an agreement with AFSCME that contains the following provisions:

1. That a neutral party ("the Neutral") be selected by AFSCME, the MTA, and the PTSC to verify the support of a majority of employees employed in those classifications that AFSCME is seeking to include in the bargaining unit;
2. That AFSCME provide copies of all signed authorization cards to the Neutral for the purposes of such verification;
3. That, upon the verification by the Neutral of a support of the majority of the employees within the proposed bargaining unit, the MTA and PTSC recognize AFSCME as the collective bargaining agent for the employees of the MTA and the PTSC in those classifications listed in the petition for certification, and include such employees in one bargaining unit; and
4. That, upon the granting of such recognition, AFSCME withdraws its petition for certification filed with the Conciliation Service

The following motions were approved in Closed Session:

APPROVED MOLINA MOTION adopting a policy that no employee organization represent a unit containing both supervisors and the employees they supervise.

APPROVED KNABE MOTION directing the holding of an election as soon as possible to determine majority support for representation by an appropriate unit of such employees in response to the February 8, 1999 petition for certification of the American Federation of State, County and Municipal Employees (AFL-CIO).

47. **ADOPTED Lobbying Ordinance** which was Received and Filed with the MTA Board in January, 1999.

48. **CARRIED OVER TO MARCH BURKE MOTION** - that the Board instruct the CEO to:
1. Resume discussions and negotiations with the FTA regarding the issues pertaining to the Full Funding Grant Agreements for the Mid-City and Eastside Extensions; and
 2. Begin discussions with the City of Los Angeles to resolve the issues surrounding the potential for creating a permanent default of the milestones contained in the MOU as they pertain to the Mid-City project; and
 3. delay any relocation of the Pico-Rimpau Transit Center until there can be a formal resolution of the above described issues.
49. **APPROVED:**
- A. execution of the necessary **Change Orders** to increase the Segment 2 value of contract B710, Fujitec America, Inc., by an amount not-to-exceed \$361,962 from \$16,725,676 to \$17,087,638 for **accelerated work**; and
 - B. paying the outstanding changes and settling outstanding claims which increase the Segment 2 value by \$2,293,035 from \$17,087,638 to \$19,018,711 and the Segment 3 contract value by \$285,871 from \$5,461,654 to \$5,747,525; and
 - C. an increase in the Authorization For Expenditure (AFE) of Contract No. B710 for Segment 2 in the amount of \$3,044,997 from \$17,958,239 to \$21,003,236.

Received public comment.

PREPARED BY: Rhodona Enright
Recording Secretary

Georgia Hamilton
Board Secretary

[\[Recap Matrix\]](#)

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