## MINUTES/PROCEEDINGS

LOS ANGELES COUNTY<br>METROPOLITAN TRANSPORTATION AUTHORITY<br>REGULAR BOARD MEETING<br>BOARD OF DIRECTORS<br>MTA Headquarters<br>3rd Floor - Board Room<br>One Gateway Plaza<br>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<br>Interim Board Secretary - Michele Jackson<br>Inspector General - Arthur Sinai<br>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.
3. 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 12001502 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.
4. 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 $\$ 164,234,967$.
5. 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 $96^{\text {th }}$ 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.
6. 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 $\$ 315,000$.
7. 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.
4. 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 27month fixed price competitive contract to Asbury Environmental Company, Compton, the lowest responsive, responsible bidder to provide recycled coolant for revenue and nonrevenue 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.
13. 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 $\$ 723,635$.
14. 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 $\$ 4,714,414$.
15. 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 $\$ 3,000,824$.
16. 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.
10. 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.
11. 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.
12. 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.
13. 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 $\mathbf{\$ 7 3 . 7}$ 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 $\$ \mathbf{2}$ million of previously approved project funding due to project savings, cancellation, or lapsing (Attachment 2).
C. Program $\mathbf{\$ 5 6 8 . 7}$ 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


LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY bOARD MEETING

THURSDAY, JULY 29, 1999 DIRECTORS VOTING




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\hline 16 \& EXECUTE WORK AUTHORIZATION CHANGE NOTICE W／PARSONS－ DILLINGHAM TO FUND COST GROWTH ON MRL VERMONT／HOLLYWOOD CORRIDOR （SEG．2B）NTE $\$ 2,714,600$ \& APPROVED \& A \& A \& c \& Y \& Y \& N \& Y \& Y \& C \& Y \& Y \& Y \& C \&  <br>
\hline 17 \& NEGOTIATE \＆EXECUTE CHANGE ORDER W／TRAYLOR BROS／FRONTIER KEMPER TO PROVIDE COMPENSATION DUE TO DIFFERING SITE CONDITIONS MRL， NO．HOLLYWOOD CORRIDOR \& APPROVED ON CONSENT CALENDAR \&  \&  \&  \&  \&  \&  \&  \&  \&  \&  \&  \&  \&  \&  <br>
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| 21 | APPROVE：A）USE OF PUC SECT 130237 B）VARIABLE MESSAGE SIGNS－$\$ 270,625$ C）AFE－$\$ 197,688$ | APPROVED | A | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | A |  |
| 22 | INCREASE IN AFE WITH RYCO CONST．INC．COVERING HOLLYWOOD BLVD．RESTORATION FOR $\$ 638,510$ | APPROVED UNDER COMMITTEE AUTHORITY |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 23－A1 | TRANSIT CONSULTANTS OF SOUTHERN CALIFORNIA VS．MTA BC207616 | APPROVED SETTLEMENT OF \＄625，946 PLUS 8．5\％INTEREST FROM JANUARY 31， 1996. | A | Y | Y | Y | Y | Y | Y | A | A | Y | Y | Y | Y |  |
| 23－A2 | BARTA VS．MTA SC052244 | APPROVED SETTLEMENT OF $\$ 144,000$. | A | Y | Y | Y | Y | Y | Y | A | A | Y | Y | Y | Y |  |


| LOS ANGELES COUNTY, METROPOLITAN TRANSPORTAT <br> BOARD MEETING THURSDAY, JULY 29, 1999 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| 23-A3 | LABOR/COMMUNITY STRATEGY CENTER V. MTA CV 94-5936TJH | ADOPTED MOLINA MOTION | A | Y | Y | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |
| 23-A4 | TUTOR-SALIBA-PERINI V. MTA BC 178939 | AUTHORIZED ATTORNEYS TO MAKE A SETTLEMENT OFFER UNDER THE CODE OF CIVIL PROCEDURES | A | C | Y | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |
| 23-A5 | LEROY GRAW V. MTA CV 97-8641 DDP | CARRIED OVER FOR 30 DAYS. | A | Y | Y | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |
| 23-B | ROBERTS MOTION - TO DISCUSS THE DIRECT PERMANENT APPOINTMENT OF TWO BOARD OF DIRECTORS STAFF: 1) BOARD SECRETARY AND 2) ETHICS OFFICER. | 1) CARRIED OVER <br> 2) AUTHORIZED RECRUTTEMENT OF ETHICS Officer | A | Y | Y | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |
| 23-C | ANTICIPATED LITIGATION - ONE CASE | APPROVED SETTLEMENT OF $\$ 3.39$ MILLION WITH ALSTOM | A | C | Y | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |



|  | LOS ANGELES | RECAP COUNTY, METROP <br> BOARD THURSDA | ITAN <br> MEE <br> JULY | CE <br> TR <br> TING <br> 29, |  |  |  |  | UTH |  | TY |  |  |  |  |  |
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| 23-D | LABOR NEGOTIATOR - TOM WEBB/AFSCME | CARRIED OVER | A | Y | $Y$ | Y | Y | Y | Y | A | Y | Y | Y | Y | Y |  |
| 25 | EXECUTE 5-YK LEASE WITH CITY OF LA, BOARD OF AIRPORT COMMISSIONERS EFF. 7-1-99 FOR LEASE OF 2.0177 ACRES OF LAND \& IMPROVEMENTS AT 6111 W. 96TH ST. LA (TERMINAL 27) | APPROVED ON CONSENT CALENDAR |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 26 | AWARD 5-YR NON-COMPETITIVE AGREEMENT W/THOMAS BROS. MAPS FOR A LICENSE TO PROVIDE ENTERPRISE WIDE USE OF THE TBM DIGITAL MAP DATABASE NTE $\$ 315,000$ | APPROVED ON CONSENT CALENDAR |  |  |  |  |  |  |  |  |  |  |  |  |  |  |


| RECAP OF PROCEEDINGS |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| 39 | APPROVE RESULTS OF PUBLIC ． HEARING．3／6；MODIFICATIONS TO PILOT PROGRAM； | APPROVED | A | Y | Y | Y | Y | Y | Y | Y | A | Y | Y | Y | A |  |
| 40 | CRAGIN MOTION FORMULA FOR FED． SEC． 5307 AND PROP．C 40\％FUNDS ALLOCATION | CARRIED OVER |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 42 | AWARD FIRM FIXED PRICE CONT． H0120R TO STEINY \＆CO．，INC．TO PROVIDE RADIO SYSTEM RETROFIT FOR MRL，SEG． 1 IN THE AMOUNT OF \＄6，178，615 | APPROVED ON CONSENT Calendar |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 45 | INCREASE CEO＇S CONTRACT APPROVAL AUTHORITY，OTHER THAN PUBLIC WORKS，TO \＄200，000 | APPROVED ON CONSENT CALENDAR |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 46 | APPROVE 1999 TIP CALL FOR PROJECTS | APPROVED AS AMENDED | A | A | Y | Y | Y | Y | Y | A | Y | A | ABS | Y | A |  |


| RECAP OF PROCEEDI <br> LOS ANGELES COUNTY，METROPOLITAN TRANSP <br> BOARD MEETING THURSDAY，JULY 29， 1999 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| ATTEN | ANCE |  | A | P | P | P | P | P | P | P | P | P | P | P | P | P |
| DIRECTORS VOTING |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| $\begin{array}{\|l\|} \text { ITEM } \\ \text { NO. } \end{array}$ | SUBJECT ITEM | ACTION TAKEN |  | $$ | $\begin{aligned} & Z \\ & \text { Z } \\ & \text { n } \\ & \text { 品 } \\ & 0 \end{aligned}$ | W 0 0 0 | $\begin{aligned} & \text { Z } \\ & \text { 岂 } \\ & \text { N } \end{aligned}$ |  | 呙 | 号 | Z z 2 2 | $\begin{aligned} & \text { N } \\ & \text { y } \\ & 0 \\ & \text { O } \end{aligned}$ | $\begin{aligned} & 2 \\ & 2 \\ & 2 \\ & 2 \\ & 2 \\ & 0 \\ & 0 \\ & 2 \\ & 2 \end{aligned}$ | H 0 0 0 0 0 | Z \％ \％ Q |  |
| 35 | AUTHORIZE CONTINUATION OF EXCLUSIVE NEGOTIATIONS WIMCCORMACK BARON FOR AN ADDITIONAL SIX MONTHS REGARDING THE PROPOSED PHASE TWO PROJ． AT MRL HOLLYWOODNESTERN PORTAL | APPROVED ON CONSENT CALENDAR |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 36 | APPROVE FYOO TRANSP． DEVELOPMENT ACT | APPROVED AS AMENDED | A | Y | Y | Y | N | N | Y | Y | Y | Y | ABS | N | A |  |
| 37 | AWARD OF A COST PLUS FIXED FEE TYPE CONTRACT TO HARRIS \＆ ASSOCIATES TO PROVIDE CONSTRUCTION INSPECTION SUPPORT SERVICES FOR THE CONSTRUCTION OF FOUR HOV SEGMENTS ALONG ROUTES 405，605， AND 10 | WITHDRAWN |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 38 | SANTA MONICA TRANSIT PARKWAY PROJECT | APPROVED SUBSTITUTE MOTION AS AMENDED | A | Y | Y | Y | Y | N | Y | Y | Y | Y | Y | Y | A |  |

