



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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December 6, 2006

IN REPLY PLEASE  
REFER TO FILE: PD-1

TO: Each Supervisor

FROM: Donald L. Wolfe  
Director of Public Works

### **ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY REGULAR BOARD MEETING-NOVEMBER 20, 2006**

On November 20, 2006, my staff attended the regular Board meeting of the Alameda Corridor-East Construction Authority (ACE). A copy of the agenda and adopted minutes of the October 23, 2006, regular Board meeting are attached. The following items were discussed at the meeting, which are of interest to the County.

**Agenda Item VI**—The Chief Executive Officer reported that Propositions 1A and 1B were approved by California voters on November 7, 2006. Staff will continue to monitor Caltrans and California Transportation Commission (CTC) activities related to the development of policies and guidelines for allocating the Proposition 1B bond funds

**Agenda Item VII**—The Board conducted a public hearing on Resolution No. 06-03, which amends Resolution No. 05-05 approved by the Board on July 25, 2005, for the acquisition, by eminent domain, of a permanent easement on property located at 614 South Brea Canyon Road, Diamond Bar. Resolution 06-03 is intended to lessen the severity of the project's impacts on the property. Upon Board review of the evidence presented, including staff report and public comments, the Board closed the hearing and adopted Resolution No. 06-03, authorizing the acquisition of the subject property.

**Agenda Item VIII**—The Board approved the plans, specifications, and estimates for the Temple Avenue train fourth track infrastructure located in the City of Pomona, and authorized staff to solicit construction bids.

Each Supervisor  
December 6, 2006  
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**Agenda Item IX**—The Board adopted staff's recommendation to authorize the Chief Executive Officer to amend the contract with HDR Engineering, Inc., for additional design services associated with changes to the Temple Avenue Train Diversion project. The additional amount is not to exceed \$666,635, resulting in a new contract value of \$6,785,466.

**Agenda Item XI**—The Board adjourned to a closed session, per Government Code Section 54956.8, to discuss the sale of property located at 614 South Brea Canyon Road, Diamond Bar. The Board reconvened and voted unanimously to approve the purchase of the subject property for \$3,550,000, subject to the terms outlined in the settlement that includes ensuring the buyers' satisfaction of an inspection of various components of the building.

The next Board meeting will be held on December 18, 2006, at 2 p.m., at the Irwindale City Hall Council Chambers.

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Attach.

cc: Chief Administrative Office  
Executive Office



# Alameda Corridor-East Construction Authority

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 www.theaceproject.org

## REGULAR MEETING AGENDA

Monday, November 20, 2006– 2:00 P.M.

Irwindale City Hall – Council Chambers

5050 Irwindale Avenue

Irwindale, CA 91706

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Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|--|-----------------|
| I.    | Roll Call and Introductions  |                 |
| II.   | Pledge of Allegiance   |                 |
| III.  | Approval of Minutes of Meeting of October 23, 2006 (Pages 1-5)   | Action          |
| IV.   | Public Comment   |                 |
| V.    | Chairman's Remarks   | Information     |
| VI.   | Chief Executive Officer's Report (Pages 6-18)  | Information     |
| VII.  | Hearing on Amended Resolution of Necessity for Brea Canyon Road Grade Separation Project – Resolution No. 06-03 (Pages 19-61)<br>614 South Brea Canyon Road, Diamond Bar, CA 92869 | Action          |
| VIII. | Approval of Plans, Specifications & Estimates for Construction of Temple Ave 4 <sup>th</sup> Track Infrastructure (Pages 62-64)  | Action          |
| IX.   | Approval of Amendment for Design Services During Construction for the Temple Avenue Train Diversion with HDR Engineering, Inc. (Pages 65-67)                                       | Action          |
| X.    | Approval of Part Time Staff Position (Page 68)   | Action          |
| XI.   | Closed Session: The Board will adjourn to closed session pursuant to Section 54956.8 : Conference with Real Property Negotiators to discuss:                                       | Possible Action |

Property: 614 South Brea Canyon Road, Diamond Bar, CA

Agency Negotiator: Mark Mendoza, Paragon Partners and ACE

Construction Authority

Negotiating Parties: ACE Construction Authority & Elaine Hartlieb as

Trustee of the Hartlieb Trust

Under Negotiation: Price and Terms

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The ACE Construction Authority is currently constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member.

Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes.

XII. Adjournment

Action



**ACE Construction Authority  
Regular Board Meeting  
October 23, 2006  
Minutes**

The Chair called the meeting to order at the Irwindale City Hall at 2:02 PM.

**1. In attendance were:**

Ernest Gutierrez, Chair  
Harry Baldwin, San Gabriel  
Bob Bagwell, Montebello  
Carol Herrera, Diamond Bar, SGVCOG  
Phil Marcellin, Industry  
Gloria Molina, LA County  
Paul Eaton, SANBAG

Staff

Rick Richmond, Chief Executive Officer  
Joe Silvey, Legal Counsel  
Sharon Neely, staff  
Bruce Armistead, staff  
Lou Cluster, staff  
Girish Roy, staff  
Cynthia Ambrose, staff  
Chip Conway, staff  
Deanna Stanley, staff

**2. Pledge of Allegiance**

Board Member Marcellin led the pledge of allegiance.

**3. Approval of Minutes of September 25, 2006**

A motion was made to approve the meeting minutes of September 25, 2006.  
M/S/C: Herrera/Marcellin/Unanimous

**4. Public Comments**

There were no public comments.

**5. Chairman's Report**

Chairman Gutierrez thanked Board Member Baldwin for accepting the San Gabriel Valley Economic Partnership 2007 Chair Award to the Authority. The Chairman thanked the Board and staff for their efforts on behalf of ACE in receiving the award. Chairman Gutierrez reported that he had participated in an interview with CNN reporter Tracy Young on behalf of ACE and the impacts of Prop 1B. The interview will air over the next month on 6 hour intervals. Chairman Gutierrez asked fellow Board members to mention under 'new business' at their next Council meeting the impacts of Prop 1A and 1B on San Gabriel Valley cities.

**6. Chief Executive Officer's Report**

Mr. Richmond summarized his report on page 4 of the agenda. He called attention to the CTC listening session meetings and their plans to have allocation of the \$2 billion goods movement program guidelines available in the spring. He noted that the quarterly report for environmental mitigation of projects under construction was included in his report and that the Authority was compliant with the mitigation measures approved by the Board. Mr. Richmond reported that since the last Board meeting, the Authority had placed \$25 million supplemental insurance coverage. He also noted that one of the IRRIS contractor's—EVA Signal Corporation had failed to meet performance specifications and was issued a notice of default and a response was expected within a week. Bruce Armistead provided an update on the Temple Avenue train diversion and East End/Reservoir grade separation projects. Lou Cluster updated the Board on the Ramona Street grade separation project and Girish Roy provided an update on the Brea Canyon Road grade separation project. Chairman Gutierrez remarked that the slides were great depictions of the magnitude of the work involved in the projects underway. He commended staff and all involved for the hard work keeping the projects moving forward.

**7. Approval to Change November Board Meeting Date**

Mr. Richmond indicated a time-sensitive right-of-way matter required the meeting of the November meeting to be rescheduled to November 20. Mr. Richmond indicated the Board was polled on this matter and there did not appear to be any problem with a quorum.

A motion was made to move the November Board meeting date to November, 20, 2006. M/S/C: Baldwin/Marcellin/Unanimous

**8. Hearing on Resolution of Necessity for property Rights Acquisition for Brea Canyon Road Grade Separation Project in the City of Diamond Bar – Resolution No. 06-02 655-727 Brea Canyon Road**

Mr. Richmond indicated that this agenda item was needed to supplement the July, 2005 Board action and that the associated eminent domain matter was scheduled for trial November 13th. He noted that the Board had been provided with a copy of the property owner's objection letter and the response letter. He indicated that the Board has also been provided with the proposed resolution.

Chairman Gutierrez opened the hearing for public comment. There was no public comment.

Mr. Bruce Gridley, ACE Construction Authority acquisition attorney, indicated that the project was located in a manner most compatible with the greatest

public good and least private injury and was designed to improve traffic safety and efficiency on Brea Canyon Road in the cities of Diamond Bar and Walnut. He indicated the easement was necessary for the project and that offer of purchase had been made to the property owner.

A motion was made to approve Resolution 06-02 authorizing the commencement of eminent domain proceedings so as to acquire 1) ACE Parcel No. 19C-P.E. which consists of one permanent easement for a retaining wall located along the westerly property line, as described and depicted in Exhibit A of the Resolution. This parcel is needed in addition to Parcel No. 19C-DED, which was the subject of a previously adopted Resolution of Necessity (Resolution 05-04). This additional easement would lengthen the southern limits of the wall by one linear foot. ACE would also acquire 2) ACE Parcel No 19C-FTG, which consists of one permanent underground footing easement consisting of 1,286 square feet to support the aforementioned retaining wall, with surface rights reserved to the underlying fee owner for parking and other surface uses that will not interfere or otherwise conflict with the purpose of said easement, which is described and depicted in Exhibit B of the Resolution.

M/S/C: Molina/Marcellin—Ayes: Gutierrez; Molina; Marcellin, Baldwin, Bagwell, and Herrera/Unanimous

**9. Acceptance of Nogales Street Grade Separation Construction & Close out Contract with Brutoco Engineering & Construction, Inc.**

Mr. Richmond indicated that the Nogales Street Grade Separation Project was substantively completed by February 25, 2006. The project was open to traffic on August 28, 2005. Staff has accepted all contracted construction work, including: construction of a surface street bridge (Valley Blvd.); construction of a railroad bridge; street re-profiling; new streets; traffic signals; pump station and drainage facilities; and retaining walls, curbs, gutters and sidewalk construction. He noted that there were five remaining change orders and one claim. Staff will return to the Board for approval of final contract closeout when the outstanding changes and the claim are resolved. A motion was made that the Authority accept the Nogales Grade Separation project as being satisfactorily completed in conformance with the project specifications, contingent upon signed approval by the host jurisdictions, the Cities of West Covina and Industry. M/S/C: Marcellin/Gutierrez/Unanimous

**10. Quarterly Progress Report**

Mr. Richmond reviewed the costs, schedule and accomplishments over the past quarter as summarized on page 46 of the agenda. He reported that Phase 1 costs had increased \$1.2 million to \$497.4 million (\$700k for UPRR construction at Sunset; \$200K for right-of-way at Brea Cyn.; \$200k for right-of-way at East

End/Reservoir; and \$100K for construction design support at East End/Reservoir). During the last quarter, the railroad shoofly and underground communication lines were completed at Ramona and the bridge and pump house excavation work continued. At the Reservoir project--the railroads began operating on the permanent mainlines, pump house construction continues and the project is scheduled to be opened to traffic by January. At the Temple project--the Lanterman Audiology lab was completed and bridge pier protection on SR 57 continues. At the Brea Cyn. Project--soundblankets installed; grading of shoofly continues; and mass excavation of the roadway and pump house continues.

#### **11. Quarterly Financial Report**

Mr. Chip Conway provided a quarterly financial summary for the third quarter of 2006. He noted that the operating budget was underbudget by \$366 thousand from an approved \$17.8 million budget. He noted that the construction budget expenditures for the quarter was \$14.4 million and \$244.6 million incurred to date. He summarized billings to date and revenues received. He noted that the Authority had a \$1.5 million net interest balance from commercial paper issued. The Board discussed the merits of establishing a reserve account now for future project shutdown. Mr. Conway will report back at the next quarterly update.

#### **12. Closed Session**

Mr. Silvey announced the Board would adjourn to closed session in accordance with Government Code Section 54956.9(b) in connection with the Claim against Public Agency filed on October 4, 2006, by Elaine Hartlieb and 54956.8, as specified in the Agenda

The Board reconvened from closed session and Mr. Joe Silvey announced that the Board took the following actions:

- 1) A motion was made to reject the October 4<sup>th</sup> claim filed by Elaine Hartlieb, individually and as Trustee of the Hartlieb Family Trust of 1990.

M/S/C: Herrera/Gutierrez/Ayes-Bagwell, Baldwin, Gutierrez, Herrera, and Marcellin/Unanimous

- 2) A motion was made to direct staff to direct legal counsel to defend the Complaint filed by Elaine Hartlieb, individually and as Trustee of the Hartlieb Family Trust of 1990, against the Alameda Corridor - East Construction Authority et al assigned as Case No. BC 360657 in Superior Court for the County of Los Angeles.



M/S/C: Herrera/Marcellin/Ayes-Bagwell, Baldwin, Gutierrez, Herrera, and  
Marcellin/Unanimous

- 3) A motion was made to defend and indemnify Rick Richmond and Mark Mendoza in accordance with the requirements of Section 825(a) of the Government Code in any action arising from the Claim submitted by Elaine Hartlieb on October 4, 2006.

M/S/C: Herrera/Baldwin/Ayes-Bagwell, Baldwin, Gutierrez, Herrera, and  
Marcellin/Unanimous

### **13. Adjournment**

A motion was made to adjourn at 3:54 PM. M/S/C: Herrera/Baldwin/Unanimous