

## SEISMIC GOVERNANCE COMMITTEE

Thursday, October 27, 2022  
9:25 AM

In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Seismic Governance Committee meeting will be conducted entirely telephonically.

Members of the public who wish to offer public comment to Seismic Governance Committee meeting should call (669) 900-6833 and use Meeting ID No. 843 8674 9048 and then press #. Press # again when prompted for participant ID.

**MEMBERS:** Matthew W. Szabo, City Administrative Officer, Chair (CAO)  
Sharon M. Tso, Chief Legislative Analyst (CLA)  
Diego de la Garza, Office of the Mayor (Mayor)

<b>Staff Contact</b>	<b>Office</b>	<b>Staff Phone</b>
Elis Lee	CAO	(213) 577-6817
Antoinette J. Woodward	CAO	(213) 473-7594
Matthew Shade	CLA	(213) 978-0203
Kevin Minne	BOE	(213) 485-5228
Shay Doong	BOE	(213) 694-4271

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**PUBLIC COMMENTS:** General Public Comment, Multiple Agenda Item Comment

**AGENDA ITEMS:**

1. Minutes of the:
  - a. August 25, 2022- Regular Meeting (Revised);
  - b. September 12, 2022- Special Meeting (Revised); and,
  - c. September 29, 2022- Regular Meeting.
2. Findings to continue Teleconference Meetings Pursuant to AB361. Determination in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the COVID-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, this legislative body has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measure to promote social distancing – Action by Committee

\*\*\*\* SPECIAL MEETING \*\*\*\*

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To receive meeting notices for the Seismic Governance Committee (SGC), subscribe through the Early Notification System at [www.lacity.org](http://www.lacity.org).

Unless otherwise notified, the SGC meets on the last Thursday of the month at 9:00 a.m. in Room 1500, City Hall East

Upon request, SGC staff will provide reasonable accommodations to enable individuals with disabilities to participate in its meetings, including access to agenda materials in alternate formats. If you have a request for accommodations, please contact Elis Lee at (213) 577-6817 or [Elis.Lee@lacity.org](mailto:Elis.Lee@lacity.org) at least two business days in advance of the SGC meeting.

**Public Notice**

An opportunity for the public to address the Committee on agenda items will be provided during the Multiple Agenda Item Comment period. A member of the public who wishes to speak on agenda item(s) shall be allowed to speak for up to one minute per item up to a total of three minutes per meeting.

The Committee will also provide an opportunity for the public to speak on general public interest items during the General Public Comment period. Each speaker shall be limited to one minute of general public comment each meeting. The Committee shall not discuss or take action relative to any general public comment.

**Telecommunication Relay Services**

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodations to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, your request should be received at least 72 hours in advance of the need. Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting contact Elis Lee at (213) 577-6817 or [Elis.Lee@lacity.org](mailto:Elis.Lee@lacity.org). For Telecommunication Relay Services for the hearing impaired, please see the information below.

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications.

Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

\*\*\*\* SPECIAL MEETING \*\*\*\*

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What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TTY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detail descriptions, <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Don't hang up! Some people hang up on TRS calls because they think the communications assistant is a telemarketer. If you hear, "Hello. This is the relay service ..." when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.

**Notice to Paid Representatives:** If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code §§ 48.01 *et seq.* More information is available at [ethics.lacity.org/lobbying](http://ethics.lacity.org/lobbying). For assistance, please contact the Ethics Commission at (213) 978-1960 or [ethics.commission@lacity.org](mailto:ethics.commission@lacity.org).

**SEISMIC GOVERNANCE COMMITTEE (SGC)  
BRIDGE IMPROVEMENT PROGRAM  
SPECIAL MEETING MINUTES**

**August 25, 2022**

**SGC Members in Attendance:**

Matthew Szabo, Municipal Facilities Chief, Chair (CAO)

Matias Farfan, Chief Legislative Analyst Office (CLA)

Diego de la Garza, Office of the Mayor (Mayor)

The meeting was called to order at 9:01 a.m.

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No General Public Comment.

**Item 1** Approval of Minutes from the July 28, 2022 meeting.

**Disposition:** Approved

**Item 2** Bureau of Engineering – Sixth Street Viaduct Project – Information Only

**Disposition:** Bureau of Engineering (BOE) to report back on the financial status of the project for the September 15, 2022 meeting

Shay Doong, BOE, presented an update on the Sixth Street Viaduct Project. Mr. Doong, BOE, advised the Committee that the project construction was at 96 percent completion, with completion of milestone 2 anticipated by November 19, 2022, to include the following remaining activities: 1) Restoration of concrete; 2) Lighting of the River; 3) Installation of railing of the stairway, pedestrian walkways, and a few locations on the deck; 4) Fencing along the property lines; 5) Fronting of the fencing around the public streets where the park is to be constructed; 6) Removal of asphalt protection in the railways for erosion control and embankment within the State right-of-way; 7) Restoration of the warehouse that is being used as a field office to its original condition; and, 8) Other punch list items.

Mr. Doong, BOE, advised the Committee that the Settlement Agreement of Change Order (SACO) No. 118 was adopted by the Board of Public Works (Board) on April 2020, which authorized an increase in the overall project budget. Mr. Doong, BOE, clarified that Board of Public Works authorized the City Engineer to execute SACO No. 118 and issue subsequent change orders related to the Global Agreement, with the maximum amount authorized under SACO and subsequent change orders

totaling \$85 million. Mr. Doong, BOE, advised that Council and Mayoral approval occurred in late June 2020 and the SACO was executed on August 27, 2020. Mr. Doong, BOE, clarified that the SACO provided a lump sum payment of \$65 million to be issued based on the actual bridge opening date.

Mr. Doong, BOE, disclosed that even though CalTrans is subsidizing a substantial portion of the project, the cash flow issue is mainly due to CalTrans' inability to convert the remainder of the Highway Bridge Program (HBP) funds. Outstanding grant conversions total \$90 million, to be paid over four federal fiscal years, in accordance with the established schedule: \$24 million (2022-23); \$25 million (2023-24); \$19 million (2024-25); and, \$22 million (2025-26).

Mr. Doong, BOE, explained that because the federal fiscal year does not begin until October, BOE anticipates the funding to be dispersed in February of each year. Further, Mr. Doong BOE, clarified that without acceleration of the federal payments, BOE anticipates needing additional MICLA loans of \$33 million for current year activities.

Mr. Doong, BOE, disclosed that there is a clause in the Global Agreement that allows for extension to the incentive completion date, in the case of a catastrophic event, and only if the contractor has shown that they have used all available measures to accelerate the work to meet the incentive completion date.

Mr. Doong, BOE, explained that during the past two years of the pandemic, COVID had a direct impact on the project including raw material shortages and delays in fabricating facilities due to staff shortages caused by quarantine requirements. Mr. Doong, BOE, advised that the contractor has implemented numerous acceleration measure to overcome the impacts including purchasing additional false art to construct multiple arches on the bridge, re-sequencing of work and increasing work shifts to seven-days with up to three shifts.

Consequently, Mr. Doong advised the BOE made the determination that the conditions defined within the catastrophic clause of the Global Agreement had been met, and the Bureau acted accordingly to extend the incentive completion date by 18 calendar days from September 27, 2022, to October 15, 2022, and to likewise extend the Milestone 2 completion date by nine calendar days with the new completion date of November 19, 2022.

Diego De La Garza, Mayor's Office, asked for confirmation whether there were potential delays for completion of milestone two as a result of supply chain issues. Mr. Doong, BOE, confirmed that despite supply chain delays, completion of Milestone 2 is anticipated by the November 19

deadline.

Matias Farfan, Chief Legislative Analyst (CLA), asked for specifics about what the requirement for compliance with the State maintenance plan. Mr. Doong, BOE, advised that there were structural issues prior to the completion of the program including cracks on the structure, cable lubrication, and pad replacement. Ted Jordan, City Attorney, added that a typical bridge is generally over a freeway and jurisdiction is not normally shared. Mr. Jordan, City Attorney elaborated that it does not make sense for an agency to do one part of the maintenance of a bridge but to do a cost-share agreement, given that the City owns approximately 90 percent of the bridge.

Mr. Farfan, CLA, also asked for clarification whether in the case the City wants to close the bridge or restrict traffic whether the State is involved in these types of decisions. Mr Doong, BOE, answered that because the City owns the bridge entirely, it is up to the City to close the bridge or restrict traffic.

Matt Szabo, CAO, asked for an explanation on the second change order on when the Global Agreement was executed. Mr. Doong, BOE, confirmed that the Global Agreement was formally executed in August and went to the Board in April.

Mr. Szabo, CAO asked whether at the time of the Global Agreement went to the Board if BOE foresaw the impacts of the COVID pandemic. Mr. Shoong, BOE, confirmed that they did not foresee the impacts, especially in terms of labor shortage and supply chain issues. Mr. Jordan, City Attorney, also added that the COVID pandemic was an event that was declared a state of emergency.

Mr. Szabo, CAO, asked that since the Board approved the Global Agreement a month after the state of emergency was declared if the Board was automatically approving the catastrophic exemption. Mr. Jordan, City Attorney, gave a negative response stating that the declared state of emergency once created does not automatically apply. Mr. Doong, BOE, added that the contractor also must show proof that the contractor have exhausted all options, which BOE believes the contractor has attempted to stay on schedule to the best of their ability and make up for lost time with ramped up re-sequencing of crews and purchasing additional materials.

Mr. Szabo, CAO, asked if the HBP would reimburse for all cost of the MICLA loan including the interest and BOE confirmed in the affirmative.

Bernyce Hollins, CAO, asked for clarification as to whether the incentive payment is being held at this point. BOE confirmed that the payment has

not been signed yet and will be sent to the Office of Accounting, when ready.

Ms. Hollins, CAO, suggested that because there are significant financial issues involved that the Committee is hearing for the first time and given the potential for future City liabilities for the City that the Committee consider requesting that BOE provide a written report for the Special Committee meeting that would be scheduled for mid-September. Mr. Doong, BOE, expressed concern that the sooner the contractor receives the incentive payment, the sooner the City will be cleared of liabilities and claims. Mr. Jordan, City Attorney, speculated there could be a required release date stipulated in the Supplemental Agreement that could trigger penalties for late payment.

**Item 3**

Seismic Governance Committee to consider a determination in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the Covid-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, this legislative body has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing.

**Disposition:** Approved as read into the record.

Meeting adjourned at 9:38 a.m.

**SEISMIC GOVERNANCE COMMITTEE (SGC)  
BRIDGE IMPROVEMENT PROGRAM  
SPECIAL MEETING MINUTES**

**September 12, 2022**

**SGC Members in Attendance:**

Bernyce Hollins, Municipal Facilities Chief, Chair (CAO)

Matias Farfan, Chief Legislative Analyst Office (CLA)

Jennifer McDowell, Office of the Mayor (Mayor)

The meeting was called to order at 9:32 a.m.

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No General Public Comment.

**Item 1** Seismic Governance Committee to consider a determination in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the Covid-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, this legislative body has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing.

**Disposition:** Approved as read into the record.

Meeting adjourned at 9:33 a.m.



**SEISMIC GOVERNANCE COMMITTEE (SGC)  
BRIDGE IMPROVEMENT PROGRAM  
SPECIAL MEETING MINUTES**

**September 29, 2022**

**SGC Members in Attendance:**

Matthew Szabo, Municipal Facilities Chief, Chair (CAO)

Matias Farfan, Chief Legislative Analyst Office (CLA)

Diego de la Garza, Office of the Mayor (Mayor)

The meeting was called to order at 9:01 a.m.

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No General Public Comment.

**Item 1**      Approval of Minutes from the August 25, 2022 and September 15, 2022 meeting.

**Disposition:** Continued for Revisions.

**Item 2**      Bureau of Engineering (BOE) – Sixth Street Viaduct Project Update

**Disposition:** None.

Kevin Minne, BOE, provided a status update to the Committee on the Sixth Street Viaduct project.

Mr. Minne, BOE, informed the Committee that the viaduct is 98 percent complete with a few punch list items pending, not including the mitigation to prevent individuals from the climbing on the arches along with street racing activities.

Mr. Minne, BOE, stated one of the changes to the original contract was an emergency change order to install some fencing below the bridge to secure the park area. Mr. Minne, BOE, also advised there is an additional change order pending for this work.

Mr. Minne, BOE, summarized the details of the Global Agreement and the subsequent Change Order 186.

Mr. Minne, BOE, stated that his team has initiated close-out procedures, including a maintenance agreement with CalTrans and conducting a load rating analysis to ensure the bridge meets the appropriate standards.

Mr. Minne, BOE, advised that based on a more detailed financial analysis, the \$20 million in remaining MICLA authority would be sufficient to fund remaining project expenses without the need for any additional funding commitments.

Mr. Minne, BOE, stated that the State and Federal reimbursement schedule will span over multiple fiscal years as detailed in the report.

There were no questions from the Mayor's Office and the Chief Legislative Analyst Office.

**Item 3**

Seismic Governance Committee to consider a determination in accordance with AB 361 Section 3(e)(3) that, while the state of emergency due to the Covid-19 pandemic, as originally proclaimed by the Governor on March 4, 2020, remains active and/or state or local officials have imposed or recommended measures to promote social distancing, this legislative body has reconsidered the circumstances of the state of emergency and that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing.

**Disposition:** Approved as read into the record.

Meeting adjourned at 9:12 a.m.