



REVISED

BOARD AGENDA

Orange County Transportation Authority Board Meeting
Orange County Transportation Authority Headquarters
Board Room - Conference Room 07-08
550 South Main Street
Orange, California
Monday, September 24, 2018 at 9:00 a.m.

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda Descriptions

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public may address the Board of Directors regarding any item. Please complete a speaker's card and submit it to the Clerk of the Board or notify the Clerk of the Board the item number on which you wish to speak. Speakers will be recognized by the Chairwoman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Call to Order

Invocation

Director Steel

Pledge of Allegiance

Director Mark Murphy



REVISED

BOARD AGENDA

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. **Presentation of Resolutions of Appreciation for Employees of the Month for September 2018**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2018-122, 2018-123, and 2018-124 to Mary Blum, Coach Operator, Edwin Hernandez, Maintenance, and May O'Donnell, Administration, as Employees of the Month for September 2018.

Orange County Local Transportation Authority Special Calendar Matters

2. **Adopt Resolutions of Necessity for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605**

Joe Gallardo/James G. Beil

Overview

The Orange County Transportation Authority is implementing the Interstate 405 Improvement Project between State Route 73 and Interstate 605. The project requires acquisition of property rights from public and private parties adjacent to the existing freeway and city streets. On May 11, 2015, the Board of Directors approved acquiring right-of-way for the project. At this time, staff has been unable to reach an agreement to purchase required property rights from the subject property owners. It is now necessary for the Board of Directors to exercise its power of eminent domain by adopting resolutions of necessity in order to acquire these necessary property rights to make the properties available to meet the project delivery and construction schedules.

Recommendation

Adopt Resolution of Necessity Nos. 2018-064, 2018-065, 2018-113, and 2018-115, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the Interstate 405 Improvement Project between State Route 73 and Interstate 605.



REVISED

BOARD AGENDA

Consent Calendar (Items 3 through 22)

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

Approval of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of September 10, 2018.

4. Audit of State Transportation Improvement Program Planning, Programming and Monitoring Program, Program Fiscal Year 2015-2016 Serena Ng/Janet Sutter

Overview

As required by agreement with the California Department of Transportation, an independent audit of the State Transportation Improvement Program Planning, Programming and Monitoring Program project has been completed by the professional accounting firm of BCA Watson Rice LLP. The audit found that project funds were used in conformance with Article XIX of the California State Constitution.

Recommendation

Receive and file as an information item.



REVISED

BOARD AGENDA

5. **Approval to Release Request for Proposals for Orange County Transportation Authority's Independent Financial Statement Auditor**
Janet Sutter

Overview

The Orange County Transportation Authority requires the services of an independent public accounting firm to perform annual financial audits and agreed-upon procedures reviews of the Orange County Transportation Authority and related agencies for the fiscal years ending June 30, 2019, 2020, and 2021. Staff has developed a draft request for proposals to initiate the competitive procurement process to select a firm to provide annual financial audits and agreed-upon procedures reviews.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1911 to select an independent public accounting firm to provide annual financial audits and agreed-upon procedures reviews.
- B. Approve the release of Request for Proposals 8-1911 for the independent annual financial auditing services effective April 1, 2019 through March 31, 2022, with one, two-year option term.

6. **Adopt Resolution Reaffirming the Longstanding Policy of Requiring the Use of Transponders on the 91 Express Lanes**
Kirk Avila/Kenneth Phipps

Overview

Since its opening in 1995, the 91 Express Lanes has always required the use of transponders linked to properly funded accounts to use the toll road without incurring a penalty. The transponder requirement is reflected in a number of documents, on road signs, and on the 91 Express Lanes website, but was not included in the ordinance establishing the procedures for assessing and collecting toll evasion violation penalties. Although a formal resolution or ordinance is not necessary to establish or document the official policy of the Orange County Transportation Authority, adoption of Resolution No. 2018-121 will help the Orange County Transportation Authority prove, if it ever became necessary, the requirement for the use of FasTrak transponders on the 91 Express Lanes.



REVISED

BOARD AGENDA

6. (Continued)

Recommendation

Adopt Resolution No. 2018-121 confirming the longstanding policy of requiring the use of transponders on the 91 Express Lanes.

7. **State Legislative Status Report**

Jaymal Patel/Lance M. Larson

Overview

An overview is provided on a bill related to Construction Manager/General Contractor authority on Metrolink commuter rail improvements. A status update is provided on bills where the Orange County Transportation Authority has an official position that are pending with the Governor. An overview is provided of a proposal by the United States Environmental Protection Agency and the National Highway Traffic Safety Administration to freeze fuel economy and emission standards, and revoke California's Clean Air Act preemption waiver.

Recommendation

Receive and file as an information item.

8. **Proposed Innovative Clean Transit Regulation**

Kristin Essner/Lance M. Larson

Overview

An overview is provided of a proposed regulation by the California Air Resources Board to require the use of zero-emission buses.

Recommendation

Receive and file as an information item.



REVISED

BOARD AGENDA

9. The Orange County Transportation Authority's Draft 2019-2020 State and Federal Legislative Platforms

Dustin J. Sifford/Lance M. Larson

Overview

Initial drafts of the Orange County Transportation Authority's 2019-20 State and Federal Legislative Platforms have been prepared for the consideration of the Board of Directors.

Recommendation

Direct staff to further develop the initial drafts of the Orange County Transportation Authority's 2019-20 State and Federal Legislative Platforms and prepare subsequent drafts for final approval later this year.

10. Fiscal Year 2017-18 Fourth Quarter Grant Reimbursement Status Report

Sam Kaur/Andrew Oftelie

Overview

The Quarterly Grant Reimbursement Status Report summarizes grant activities for the Orange County Transportation Authority Board of Directors. This report focuses on activity for the period of April through June 2018.

Recommendation

Receive and file as an information item.



REVISED

BOARD AGENDA

11. Environmental Mitigation Program Endowment Fund Investment Report For June 30, 2018

Jennifer Matano/Andrew Oftelie

Overview

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan, acquired conservation properties, and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway projects. California Community Foundation manages the non-wasting endowment required to pay for the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and its performance. Attached is the quarterly investment report for the Endowment Pool for the period ending June 30, 2018. The report has been reviewed and is consistent with the pool objectives.

Recommendation

Receive and file as an information item.

12. Update on the Low Carbon Fuel Standard Program

Virginia Abadessa/Andrew Oftelie

Overview

On March 14, 2016, the Orange County Transportation Authority Board of Directors approved the selection of Element Markets Renewable Energy, LLC, as the firm to provide renewable natural gas and consulting services for the management of the Low Carbon Fuel Standard Program. The Low Carbon Fuel Standard Program has been in effect for slightly over two years with very positive results.

Recommendation

Receive and file as an informational item.



REVISED

BOARD AGENDA

13. Excess Liability Insurance Renewal

Al Gorski/Maggie McJilton

Overview

The Orange County Transportation Authority currently has excess liability insurance policies with Insurance Company of the State of Pennsylvania, Great American Insurance Company, and Allied World Assurance Company. These policies will expire on November 1, 2018.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A40995, in the amount of \$800,000, to Marsh Risk and Insurance Services, Inc., to purchase excess liability insurance on behalf of the Orange County Transportation Authority for the policy period of November 1, 2018 to November 1, 2019.

14. Amendment to Agreement for Temporary Staffing Services

Karen DeCrescenzo/Maggie McJilton

Overview

On September 28, 2015, the Orange County Transportation Authority Board of Directors approved an agreement with Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, to provide temporary staffing services for a three-year initial term and two, two-year option terms. An amendment is required to increase the initial term maximum cumulative payment obligation.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-5-3658 between the Orange County Transportation Authority and Howroyd Wright Employment Agency, Inc., doing business as AppleOne Employment Services, in the amount of \$83,565. This will increase the maximum obligation of the agreement to a total contract value of \$488,809.



REVISED

BOARD AGENDA

15. Update to Orange County Transportation Authority Limited English Proficiency Plan

Dixie Cochran/Maggie McJilton

Overview

The Orange County Transportation Authority is federally mandated through the Department of Transportation to maintain and update a Limited English Proficiency Plan, which guides Orange County Transportation Authority's efforts to provide meaningful access to programs, services, and activities for individuals who have limited proficiency in English.

Recommendation

Review and approve the updated Orange County Transportation Authority's 2018 Limited English Proficiency Plan.

16. Cooperative Agreements for Federal Transit Administration Section 5316 Grant Program

Beth McCormick/Jennifer L. Bergener

Overview

As the regional transportation planning agency for Orange County, the Orange County Transportation Authority is responsible for the allocation of funding under the Federal Transit Administration Section 5316 Job Access Reverse Commute and Section 5317 New Freedom programs. Since 2009, the Orange County Transportation Authority Board of Directors has approved the expenditure of more than \$15 million through these programs to support mobility management and transportation resources for persons of low income, persons with disabilities, and seniors throughout Orange County. In order to continue funding these programs, new cooperative agreements are required.



REVISED

BOARD AGENDA

16. (Continued)

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1925 between the Orange County Transportation Authority and Abrazar, Inc., in the amount of \$225,720, to fund the Section 5316 grant program through September 30, 2020.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1926 between the Orange County Transportation Authority and Boys and Girls Clubs of Huntington Valley, in the amount of \$118,080, to fund the Section 5316 grant program through September 30, 2020.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1927 between the Orange County Transportation Authority and Dayle McIntosh Center for the Disabled, in the amount of \$225,600, to fund the Section 5316 grant program through September 30, 2020.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1928 between the Orange County Transportation Authority and North Orange County Community College District, in the amount of \$284,760, to fund the Section 5316 grant program through September 30, 2020.
- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1929 between the Orange County Transportation Authority and Women Helping Women/Men2Work, in the amount of \$83,760, to fund the Section 5316 grant program through September 30, 2020.



REVISED

BOARD AGENDA

17. 2019 Bicycle Corridor Improvement Program Call for Projects
Louis Zhao/Kia Mortazavi

Overview

The Orange County Transportation Authority provides federal Congestion Mitigation and Air Quality Improvement Program funds for bicycle projects that are selected through a competitive process. The Board of Directors is requested to approve the guidelines and release the 2019 Bicycle Corridor Improvement Program call for projects. There is approximately \$25 million available for programming in fiscal year 2019-20 through fiscal year 2023-24.

Recommendations

- A. Approve the guidelines for the 2019 Bicycle Corridor Improvement Program call for projects.
- B. Authorize staff to issue the 2019 Bicycle Corridor Improvement Program call for projects using up to \$25 million in Congestion Mitigation and Air Quality Program funds.

18. Amendment to Grant Management and Programming Database Agreement
Ben Ku/Kia Mortazavi

Overview

On June 11, 2018, as part of the Fiscal Year 2018-19 Budget adoption, the Board of Directors approved sole source procurements for software and hardware licensing, maintenance, and emergency support. A one-year purchase order was issued to EcolInteractive Inc., as part of the approved sole source procurements list to continue services for a web-based software system known as OCFundtracker for the tracking and reporting of Federal Transportation Improvement Program and Combined Transportation Funding Program project data. An amendment to expand the current software system is needed to support the tracking and reporting of the local agencies' capital improvement programs, as well as to continue maintenance services for the existing modules.



REVISED

BOARD AGENDA

18. (Continued)

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Purchase Order A40326 between the Orange County Transportation Authority and EcoInteractive Inc., in the amount of \$27,500, to expand the current OCFundtracker platform to include the Capital Improvement Program module effective October 1, 2018 through August 31, 2019. This will increase the maximum obligation of the agreement to a total purchase order value of \$118,170.

Orange County Transit District Consent Calendar Matters

19. **Warranty Administration, Internal Audit Report No. 18-510**

Gerald Dunning/Janet Sutter

Overview

The Internal Audit Department has completed an audit of warranty administration. Based on the audit, controls over identification, processing, and reporting of warranty claims are adequate; however, one recommendation is being made to formalize and document procedures used to derive the value of warranty labor.

Recommendation

Direct staff to implement one recommendation provided in Warranty Administration, Internal Audit Report No. 18-510.

20. **Agreement for Facility Modifications for a Hydrogen Gas Detection System at the Santa Ana Bus Base**

George Olivo/James G. Beil

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2018-19 Budget, the Orange County Transportation Authority Board of Directors approved facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.



REVISED

BOARD AGENDA

20. (Continued)

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1864 between the Orange County Transportation Authority and EFS West, Inc., the lowest responsive, responsible bidder, in the amount of \$685,350, for facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base.

21. **Approval to Release Request for Proposals for Video Surveillance System Installation at the Anaheim, Irvine Construction Circle, and Irvine Sand Canyon Bus Bases, and the Orange Administration Building** George Olivo/James G. Beil

Overview

The Orange County Transportation Authority needs to improve the existing video surveillance system at the Anaheim and Irvine bus bases, along with points of entry at the Orange Administration building. Board of Directors' approval is requested to issue a request for proposals for video surveillance system installation at the Anaheim, Irvine Construction Circle, and Irvine Sand Canyon bus bases, and the Orange Administration building.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1874 for video surveillance system installation at the Anaheim, Irvine Construction Circle, and Irvine Sand Canyon bus bases, and the Orange Administration building.
- B. Approve the release of Request for Proposals 8-1874 for video surveillance system installation at the Anaheim, Irvine Construction Circle, and Irvine Sand Canyon bus bases, and the Orange Administration building.



REVISED

BOARD AGENDA

Orange County Local Transportation Authority Consent Calendar Matters

22. Approval to Release Request for Proposals for Traffic and Intelligent Transportation Systems Engineering Services

Ron Keith/Kia Mortazavi

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to retain a consultant to provide intelligent transportation systems and traffic engineering services for the Garden Grove Boulevard and Los Alisos Boulevard regional traffic signal synchronization projects.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1910 for selection of consultants to provide intelligent transportation systems engineering services.
- B. Approve the Release of Request for Proposals 8-1910 for selection of consultants to provide intelligent transportation systems and traffic engineering services for the Garden Grove Boulevard and Los Alisos Boulevard regional traffic signal synchronization projects.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

23. Fiscal Year 2018-19 Comprehensive Business Plan

Victor Velasquez/Andrew Oftelie

Overview

The Orange County Transportation Authority's Comprehensive Business Plan is a strategic business tool utilized to ensure the financial viability of Orange County Transportation Authority programs and services. The plan assists the Orange County Transportation Authority in implementing its strategic goals and objectives within the framework of sound business practices, and demonstrates the financial feasibility of all programs and services over a 20-year horizon.



REVISED

BOARD AGENDA

23. (Continued)

Recommendation

Approve the Fiscal Year 2018-19 Comprehensive Business Plan.

Orange County Local Transportation Authority Regular Calendar Matters

24. Agreement for Construction of the OC Streetcar Project

Mary Shavalier/James G. Beil

Overview

On December 11, 2017, the Orange County Transportation Authority Board of Directors authorized the issuance of an invitation for bids for construction of the OC Streetcar project. Bids were received in accordance with the Orange County Transportation Authority's Board of Directors-approved public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

Recommendations

- A. Find AECOM, Energy & Construction, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- B. Find Stacy and Witbeck/Herzog, a joint venture, the third low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between the Orange County Transportation Authority and Walsh Construction Company II, LLC, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the OC Streetcar project.
- D. Amend the Orange County Transportation Authority's Fiscal Year 2018-19 Budget by \$81,000,000, to accommodate Agreement No. C-7-1904 for construction of the OC Streetcar project.



REVISED

BOARD AGENDA

Discussion Items

25. Public Comments

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairwoman subject to the approval of the Board of Directors.

26. Chief Executive Officer's Report

27. Directors' Reports

28. Closed Session

A Closed Session will be held as follows:

- A. Pursuant to Government Code Section 54956.9(a) – Conference with General Counsel – Existing Litigation; Karen Ezell, et al. v. The State of California Department of Transportation, OCSC Case No. 30-2016-00870606.
- B. Pursuant to Government Code Section 54956.9(a) – Conference with General Counsel – Existing Litigation; James Spangler, et al. v. The State of California Department of Transportation, OCSC Case No. 30-2016-00870571.
- C. Pursuant to Government Code Section 54956.9(a) – Conference with General Counsel – Existing Litigation; Orange County Transportation Authority v. Fullerton Industrial Park Owners Association, et al., OCSC Case No. 30-2013-00630936.
- D. Pursuant to Government Code Section 54956.9(d)(2) – Conference with General Counsel – Anticipated Litigation – One Matter



REVISED

BOARD AGENDA

29. Adjournment

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, October 8, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07-08, Orange, California.