

Minutes of the
Orange County Transportation Authority
Orange County Transit District
Orange County Local Transportation Authority
Orange County Service Authority for Freeway Emergencies
Board of Directors Meeting

Call to Order

The November 13, 2017 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Hennessey at 9:03 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

Following the Invocation and Pledge of Allegiance, the Clerk of the Board noted a quorum was present, with the following Directors in attendance:

Directors Present: Michael Hennessey, Chairman
Lisa A. Bartlett, Vice Chair
Laurie Davies
Barbara Delgleize
Andrew Do
Lori Donchak
Steve Jones
Mark A. Murphy
Richard Murphy
Al Murray
Shawn Nelson
Miguel Pulido
Tim Shaw
Todd Spitzer
Michelle Steel
Tom Tait
Gregory T. Winterbottom
Ryan Chamberlain, Governor's Ex-Officio Member

Directors Absent: None

Also Present: Darrell Johnson, Chief Executive Officer
Ken Phipps, Deputy Chief Executive Officer
Laurena Weinert, Clerk of the Board
Olga Prado, Assistant Clerk of the Board
James Donich, General Counsel
Members of the Press and the General Public

Special Calendar

Orange County Transportation Authority Special Calendar Matters

1. Presentation of 2017 Orange County Transportation Authority Bus and Maintenance Rodeo Awards

Darrell Johnson, Chief Executive Officer (CEO), recognized the OCTA Rodeo committee co-chairs, Frank Amparan and Leonard Cruz, who also participated on the American Public Transportation Association (APTA) International Rodeo Committee. Mr. Johnson stated that in May 2018, the Coach Operator and Maintenance Rodeo winners will represent OCTA at the APTA International Rodeo in Tampa, Florida.

Mr. Johnson recognized the following winners:

Administration:

- First place – Kristyn Archer, Human Resources
- Second place – Elina Rojas, Employees Relations
- Third place – Laura Foster, Contracts Administration & Materials Management

Executive and Director:

- First place – Maggie McJilton, Human Resources and Organizational Development
- Second place – James Donich, OCTA's General Counsel
- Third place – Alice Rogan, External Affairs

Team Competition:

- Bus Operations – Garden Grove Base
- Maintenance - Santa Ana Base - Ray Consiglio, Pat Courchaine, and Chris Jordan

Coach Operator:

- Santa Ana Base – Darvy Traylor

Consent Calendar (Items 2 through 24)

Orange County Transportation Authority Consent Calendar Matters

2. Approval of Minutes

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of October 23, 2017.

Director Nelson was not present to vote on this item.

3. Approval of Board Members Travel

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the travel to Washington, D.C., for Chairman Michael Hennessey and Legislative and Communications Chairman Shawn Nelson the week of November 27, 2017 for the Orange County Transportation Authority's Washington advocacy trip focusing on the Orange County Transportation Authority transportation and legislative priorities for the remaining 1st Session of the 115th Congress.

Director Nelson was not present to vote on this item.

4. Fiscal Year 2017-18 Internal Audit Plan, First Quarter Update

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the revised Fiscal Year 2017-18 Internal Audit Plan.
- B. Receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2017-18 Internal Audit Plan as an information item.

Director Nelson was not present to vote on this item.

5. Employee Health Benefits, Internal Audit Report No. 17-506

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to direct staff to implement three recommendations provided in Employee Health Benefits, Internal Audit Report No. 17-506.

Director Nelson was not present to vote on this item.

6. Fiscal Year 2016-17 Comprehensive Annual Financial Report and 91 Express Lanes Fund Financial Statements

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file the fiscal year 2016-17 Comprehensive Annual Financial Report and 91 Express Lanes Fund Financial Statements.

Director Nelson was not present to vote on this item.

7. Orange County Employees Retirement System Early Payment For Fiscal Year 2018-19

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the early payment of approximately \$23.3 million by January 16, 2018, to the Orange County Employees Retirement System, for member contributions for fiscal year 2018-19.

Director Nelson was not present to vote on this item.

8. Environmental Mitigation Program Endowment Fund Investment Report For September 30, 2017

Director Donchak pulled this item and requested that staff circulate this item's report to the Measure M2 (M2) Environmental Oversight Committee.

Director Spitzer asked staff to review "The Mesa" property for habitat value and for a potential environmental mitigation acquisition. Mr. Johnson, CEO, responded that staff will follow-up with Director Spitzer for additional information.

A motion was made by Director Donchak, seconded by Director Spitzer, and declared passed by those present, to receive and file as an information item.

Director Nelson was not present to vote on this item.

9. Property Insurance Policy Renewal

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to issue Purchase Order No. A38332, in the amount of \$550,000, to Marsh Risk and Insurance Services, Inc., to purchase property insurance on behalf of the Orange County Transportation Authority for the policy period of December 1, 2017 to December 1, 2018.

Director Nelson was not present to vote on this item.

10. Amendment to the Master Plan of Arterial Highways

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve amendment to the Master Plan of Arterial Highways for Golden Avenue between Kraemer Boulevard and the eastern city limits from a secondary (four-lane, undivided) arterial to divided collector (two-lane, divided) arterial. The proposed amendment will become final, contingent upon the Orange County Transportation Authority receiving documentation that the City of Placentia has amended their respective general plan, and has complied with the requirements of the California Environmental Quality Act.

If the originally proposed Master Plan of Arterial Highways amendment is modified as a result of the California Environmental Quality Act and/or general plan amendment processes, the modified Master Plan of Arterial Highways amendment shall be returned to the Orange County Transportation Authority's Board of Directors for consideration.

- B. Direct the Executive Director of Planning, or his designee, to file a Notice of Exemption from the California Environmental Quality Act in support of the amendment to the Master Plan of Arterial Highways.
- C. Receive and file a status report on active Master Plan of Arterial Highways amendments.

Director Nelson was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

11. Agreement for Liquefied Natural Gas Storage Tank Removal at the Anaheim and Garden Grove Bus Bases

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1756 between the Orange County Transportation Authority and Gems Environmental Management Services, Inc., the lowest responsive, responsible bidder, in the amount of \$1,791,306, for removal of liquefied natural gas storage tanks at the Anaheim and Garden Grove bus bases.

Director Nelson was not present to vote on this item.

12. Agreement for the Construction, Operation, and Maintenance of a Hydrogen Fuel Station, and the Purchase and Delivery of Liquid Hydrogen for the Santa Ana Bus Base

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1577 between the Orange County Transportation Authority and Trillium USA Company LLC, in the amount of \$6,472,127, for the construction, operation, and maintenance of a hydrogen fuel station and liquid hydrogen deliveries for a three-year term, with two, one-year option terms.
- B. Amend the Orange County Transportation Authority's Fiscal Year 2017-18 Budget, in the amount of \$4,777,732, to accommodate the construction of a liquid hydrogen fuel station at the Santa Ana Bus Base.

Director Nelson was not present to vote on this item.

13. Amendment to Agreement for Schedule Checking Activities

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-3-1855 between the Orange County Transportation Authority and National Data and Surveying Services, doing business as Southland Car Counters, in the amount of \$244,184, to exercise the second, one-year option term of the agreement, through December 31, 2018, for schedule checking services. This will increase the maximum obligation of the agreement to a total contract value of \$1,273,483.

Director Nelson was not present to vote on this item.

14. Approval to Release Request for Proposals for Operation and Maintenance of a Micro-Transit Pilot Program

Director Donchak pulled this item and asked that the scope of work for this item include language that minors will use the service for the Micro-Transit Pilot Program.

A motion was made by Director Donchak, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 7-2052 for operation and maintenance of a micro-transit pilot program.

14. (Continued)

- B. Approve the release of Request for Proposals 7-2052 to select a firm to operate and maintain the micro-transit pilot program for a one-year initial term with two, one-year option terms.

Director Nelson was not present to vote on this item.

15. Sole Source Agreement for the Purchase of Ten Hydrogen Fuel Cell Electric Buses

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-7-1701 between the Orange County Transportation Authority and New Flyer Industries, Inc., in the amount of \$13,307,125, for the purchase of ten hydrogen fuel cell electric buses.
- B. Amend the Orange County Transportation Authority's Fiscal Year 2017-18 Adopted Budget, in the amount of \$13,307,125, to accommodate the purchase of ten hydrogen fuel cell electric buses.

Director Nelson was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

16. Limited-Scope Audit: Right-of-Way Acquisition Activities for Interstate 405 Improvement Project, Internal Audit Report No. 18-502

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to direct staff to implement the recommendation provided in Limited-Scope Audit: Right-of-Way Acquisition Activities for Interstate 405 Improvement Project, Internal Audit Report No. 18-502.

Director Nelson was not present to vote on this item.

17. Administrative Support Agreement with the Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute an updated administrative support agreement with the Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency for a three-year initial term with two three-year option terms.

Director Nelson was not present to vote on this item.

18. Amendment to Agreement for Additional Design Services for Interstate 5 Widening Project Between State Route 73 and Oso Parkway

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-3-2189 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$449,702, for additional design services for Interstate 5 Widening Project between State Route 73 and Oso Parkway. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$9,838,041.

Director Nelson was not present to vote on this item.

19. Capital Programs Division - First Quarter Fiscal Year 2017-18 Capital Action Plan Performance Metrics

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Nelson was not present to vote on this item.

20. Amendment to Increase Agreement Value for On-Call Property Maintenance Services for Highway and Transit Projects

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-3-1428 between the Orange County Transportation Authority and So Cal Sandbags, Inc., to increase the contract value in the amount of \$200,000, for property maintenance services for highway and transit projects. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$1,002,500.

Director Nelson was not present to vote on this item.

21. Consultant Selection for Construction Management Support Services for the Interstate 5 High-Occupancy Vehicle Improvement Project Between State Route 55 and State Route 57

A motion was made by Director Donchak, seconded by Director Winterbottom, and declared passed by those present, to:

- A. Approve the selection of CALTROP Corporation as the firm to provide construction management support services for the Interstate 5 High-Occupancy Vehicle Improvement Project from State Route 55 to State Route 57.

21. (Continued)

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1834 between the Orange County Transportation Authority and CALTROP Corporation to provide construction management support services for the Interstate 5 High-Occupancy Vehicle Improvement Project from State Route 55 to State Route 57.

Due to the Levine Act, Director Spitzer did not participate or vote on this item.

Director Nelson was not present to vote on this item.

22. Amendment to Cooperative Agreement with the California Department of Transportation for the Interstate 5 High-Occupancy Vehicle Improvement Project Between State Route 55 and State Route 57

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-7-1817 between the Orange County Transportation Authority and California Department of Transportation, to increase the funding by \$1,994,000 for the construction phase, from \$30,849,000 to \$32,843,000, comprised of \$654,000 for supplemental construction capital and \$1,340,000 for supplemental construction support for the Interstate 5 High-Occupancy Vehicle Improvement Project between State Route 55 and State Route 57.
- B. Authorize the use of \$654,000 in federal Congestion Mitigation and Air Quality Program funds for the construction capital amount, which will increase the construction capital funding from \$26,049,000 to \$26,703,000.
- C. Authorize the use of \$1,340,000 in State Transportation Block Grant Funds or Measure M2 for consultant construction management services, which will increase the total funding for construction support from \$4,800,000 to \$6,140,000. Should State Transportation Block Grant funding not be approved, staff is recommending to use \$1,340,000 in Measure M2 funds.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program, and execute or amend all necessary agreements to facilitate the above action.

Director Nelson was not present to vote on this item.

23. Measure M2 Sales Tax Forecast

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

Director Nelson was not present to vote on this item.

**Orange County Service Authority For Freeway Emergencies
Consent Calendar Matters**

24. Fiscal Year 2017-18 Freeway Service Patrol Program Fund Transfer Agreement

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-7-2019 between the Orange County Transportation Authority and the California Department of Transportation for fiscal year 2017-18 Freeway Service Patrol program funding.

Director Nelson was not present to vote on this item.

Regular Calendar

Orange County Transit District Regular Calendar Matters

25. OC Bus 360° Update

Kurt Brotcke, Director of Strategic Planning, provided a status update on the OC Bus 360° as follows:

- Implementation of New Faster Bus Service;
- Redeployment of Lower to Higher Demand Services;
- Grants to Local Agencies - Community Needs;
- Promotional Fares;
- New Technology - Mobile Ticketing and Real-Time Bus Arrival Information;
- Extensive Marketing and Promotional Campaigns; and
- Attachment A of the Staff Report was shown to the Board Members and audience.

Transit Committee Chairman Shaw thanked staff for the great work on the OC Bus 360°. He stated that the mobile app and the Santa Ana College Pilot Pass Program are also helping with the OC Bus 360° success.

Vice Chair Bartlett thanked staff for the update and fast response for the M2 Project V new applications. She also stated that the cities of San Juan Capistrano and Laguna Beach will submit a new application for the Project V funding.

25. (Continued)

Mr. Johnson, CEO, stated that upon Board of Directors (Board) approval of this item, staff will send letters of interest to the local agencies about a future Project V call for projects, and in early 2018, staff will return with an update.

A motion was made by Director Murray, seconded by Director Pulido, and declared passed by those present, to direct staff to request letters of interest from local agencies related to a future Project V call for projects, and return with an update in January 2018.

Director Nelson was not present to vote on this item.

26. Transit Master Plan - Corridor Line Evaluation

Darrell Johnson, CEO, provided opening comments and introduced Gary Hewitt, Section Manager, Transit Planning, who provided a PowerPoint presentation for this item as follows:

- Context of Transit Master Plan (Plan);
- Opportunity Corridor Evaluation;
- Potential Transit Modes;
- Corridor Evaluation – Modes;
- Corridor Evaluation: Criteria and Assumptions;
- Key Findings: Streetcar, Bus Rapid Transit, and Rapid Bus;
- Corridor Potential and Other Potential Next Steps; and
- Upcoming Study Timeline.

A lengthy discussion ensued regarding:

- Staff will work with the Beach Boulevard coalition on the implementation of bus Route 529
- Director Tait stated that the Anaheim City Council voted 6 to 1 not to support a streetcar on Harbor Boulevard
- Director Tait raised concerns about a streetcar taking a lane on Harbor Boulevard, and at a recent Transit Committee meeting, he requested the streetcar ridership assumptions
- Connectivity to: 1) the Orange County and Los Angeles International airports; 2) Los Angeles Metro Gold and Green lines; and 3) Huntington Beach for the 2028 Olympics
- In December 2017, the Central Harbor Boulevard Transit Corridor Study will include various alignments for consideration
- Concerns about transit equity in South Orange County, and communities have different transit needs
- Supporting Orange County economic development with Orange County airport connectivity to the Anaheim resort

26. (Continued)

- OCTA regularly meets with the airport staff and tourism and business communities
- A Los Angeles Times article by the Director of Transportation Engineering Program at the University of Southern California was mentioned, which stated that reducing fares increases bus ridership
- Proposed bus stop shelter amenity improvements, and review where amenities are needed
- The online survey could be provided to the cities to solicit feedback from the residents
- The Honda Center was included in the Plan as having Amtrak and Metrolink service connections
- Concerns about going forward with the Plan without Board determination on the Central Harbor Boulevard Transit Corridor Study

A motion was made by Director Tait, seconded by Director Spitzer, to continue the item and return the Plan to the Transit Committee, then return to the Board after a determination has been made on the Central Harbor Boulevard Transit Corridor Study. Also include in the Plan the Orange County airport connection, the Pacific Electric Right-of-Way and how it relates to the proposed Los Angeles Metro west Santa Ana branch line, the proposed Los Angeles Metro Gold line City of Whittier connection, and show the south Orange County mode options.

After an additional discussion ensued about the above motion, Director Tait made a motion to continue the Plan until after the Board makes a determination on the Central Harbor Boulevard Transit Corridor Study.

A substitute motion was made by Director Pulido, seconded by Director Davies, to continue the item and return the Plan to the Transit Committee, then return to the Board after a determination has been made on the Central Harbor Boulevard Transit Corridor Study. In addition, expand the Plan to include connectivity to Los Angeles County (i.e., Los Angeles Metro Green and Gold lines), Huntington Beach, and Orange County airport, and include the South Orange County mode options. After a further discussion, a roll call vote was taken, and the motion failed with 8-ayes and 9-noes.

A motion was made by Director Winterbottom, seconded by Director Jones, and following a roll call vote, declared passed 13 to 4, to direct staff to seek public/stakeholder input and return to the Board of Directors in January 2018 with an action plan.

Orange County Local Transportation Authority Regular Calendar Matters

27. Measure M2 Updated Next 10 Delivery Plan

Darrell Johnson, CEO, provided opening comments and introduced Tami Warren, Manager, Program Management Office, who provided a PowerPoint presentation for this item as follows:

- M2 Delivery Plans;
- M2 Sales Tax Revenue Forecast;
- M2 Next 10 Plan;
- M2 Program Cash Balance;
- Next 10 Deliverables Summary; and
- Next Steps.

A motion was made by Director Davies, seconded by Director Pulido, and declared passed by those present, to:

- A. Adopt the Measure M2 updated Next 10 Delivery Plan with revised financial assumptions.
- B. Direct staff to identify cost-effective alternatives that meet the intent of the Measure M2 scope as projects advance through project development for Board of Directors consideration.

Director Tait voted in opposition of this item.

Discussion Items

28. Public Comments

Public comments were heard from:

1. Almeta Carter, Business Agent for Teamsters Local 952, commented that she was an OCTA Coach Operator for 12 years and looks forward to negotiations and getting a fair contract.
2. Andrew Smith commented that he has been employed with OCTA since 1997 and a Teamsters Local 952 Shop Steward since 2002. He looks for a fair and equitable contract and hopes to soon conclude negotiations.

28. (Continued)

3. Patrick Kelly, Secretary/Treasurer, Teamsters Local 952, commented that Teamsters Local 952 looks forward to a fair contract and to soon conclude negotiations. Mr. Kelly also stated that Teamsters Local 952 worked hard to include additional transit funding through SB1.

Mr. Kelly concluded that it recently came to his attention that the County of Orange added \$200 million for mental health distribution, and suggested that some of those funds be provided to the bus riders that have mental health issues.

4. Jacklyn Green commented that she has been an OCTA Coach Operator for over ten years, and Orange County's cost-of-living is high, which is why most of the Coach Operators commuter to Orange County. She asked that during the negotiations, to treat the Coach Operators fairly.

29. Chief Executive Officer's Report

Darrell Johnson, CEO, reported:

- The M2 Project L - Interstate 405 Improvement Project between Interstate 5 and State Route 55 draft environmental document will be released for public review on Tuesday, November 14th, and public comments will be received until Friday, December 15th. In addition, OCTA will host an open house in the City of Irvine on Tuesday, December 5th at the University Community Park from 5:00 p.m. to 8:00 p.m.
- Mr. Johnson wished everyone in attendance a Happy Thanksgiving Holiday, and announced that the OCTA Headquarters will be closed on Thursday, November 23rd and Friday, November 24th.

30. Directors' Reports

There were no Directors' reports.

31. Closed Session

Closed Session matters were held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Roxanne Barnes v. Orange County Transportation Authority, et al.; OCSC Case No. 30-2016-00839553.
- B. Pursuant to Government Code Section 54956.9(d)(2) - Conference with Legal Counsel - One matter.

31. (Continued)

- C. Pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation, Alberto Hernandez, et al., v. Orange County Transportation Authority, et al. OCSC Case No. 30-2016-00878824.

There was no report out for the Closed Session items.

Director Spitzer was not present for the Closed Session items.

32. Adjournment

The meeting adjourned at 10:40 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, November 27, 2017**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Michael Hennessey
OCTA Chairman