

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 December 11, 2017 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Hennessey at 9:07 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
Barbara Delgleize
Andrew Do
Lori Donchak
Steve Jones
Mark A. Murphy
Richard Murphy
Shawn Nelson
Miguel Pulido
Tim Shaw
Tom Tait
Gregory T. Winterbottom
Ryan Chamberlain, Governor's Ex-Officio Member

Directors Absent: Laurie Davies
Al Murray
Todd Spitzer
Michelle Steel

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 Resolution of Appreciation for Employee of the Month for November 2017

Darrell Johnson, Chief Executive Officer (CEO), presented the OCTA Resolution of Appreciation No. 2017-088 to Mary Shavaliar, Administration, Employee of the Month for November 2017.

2. Presentation of Resolutions of Appreciations for Employee of the Month for December 2017

Darrell Johnson, CEO, presented the OCTA Resolutions of Appreciation Nos. 2017-089, 2017-090, and 2017-091 to Michelle Peoples, Coach Operator; Quy Nguyen, Maintenance; and Angela Sun, Administration, as Employees of the Month for December 2017.

Consent Calendar (Items 3 through 12)

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of November 27, 2017.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

4. Proposed 2018 Board of Directors Meetings Calendar

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies 2018 Board of Directors meetings calendar.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

5. Conflict of Interest Code and 2017 Annual Statement of Economic Interests Filing

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to direct the Clerk of the Board to distribute and monitor the 2017 Annual Statement of Economic Interests - Form 700 to Members of the Board of Directors and designated positions, to be filed by April 1, 2018.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

6. 2018 Technical Steering Committee Membership

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve the proposed 2018 Technical Steering Committee membership.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

7. Approval to Release Invitation for Bids for Construction of the Right-of-Way Slope Stabilization Project

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve the release of Invitation for Bids 7-2047 for construction of the railroad right-of-way slope stabilization project.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

8. Comprehensive Transportation Funding Programs Semi-Annual Review - September 2017

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve adjustments to the Comprehensive Transportation Funding Programs projects and Local Fair Share funds.

Due to a potential conflict of interest, Director Tait did not participate or vote on this item.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

9. Measure M2 Quarterly Progress Report for the Period of July 2017 Through September 2017

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

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

10. Fiscal Year 2017-18 Measure M2 Annual Eligibility Review

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to approve all local jurisdictions as conditionally eligible for Measure M2 net revenues for fiscal year 2017-18, and direct staff to return with eligibility findings for local jurisdictions, pending the adoption and submittal of fiscal year 2016-17 expenditure reports by local jurisdictions.

Due to a potential conflict of interest, Director Tait did not participate or vote on this item.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

11. Measure M2 Environmental Cleanup Program Updates and Next Steps

A motion was made by Director Winterbottom, seconded by Director Nelson, and declared passed by those present, to direct staff to return in early 2018 with updated Environmental Cleanup Program funding guidelines for a 2018 call for projects.

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

12. Measure M2 Environmental Mitigation Program Update

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

Vice Chair Bartlett and Director Pulido were not present to vote on this item.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

13. Interstate 405 Improvement Project Update

Jeff Mills, Program Manager, and Christina Byrne, Acting Department Manager for Public Outreach, provided a PowerPoint presentation for this item as follows:

- Project Location and Key Features;
- Project Travel Time Benefits;
- Background;
- Project Update;
- Ellis Avenue/Euclid Street Interchange;

13. (Continued)

- Preliminary Bridge Construction Timeline;
- Public Outreach Update; and
- Next Steps.

A discussion ensued regarding:

- On December 19th, staff will present the onramp redesign to the City of Fountain Valley City Council.
- One week ago, Mr. Johnson, CEO, and OCTA staff met with Fountain Valley's City Manager and two Council Members about the onramp redesign.
- Staff has provided outreach to the communities along the corridor and will increase the efforts.

No action was taken on this receive and file as an information item.

14. Approval to Release Invitation for Bids for Construction of the OC Streetcar Project

Darrell Johnson, CEO, provided opening comments, and Jim Beil, Executive Director of Capital Programs, provided a report for this item as follows:

- The OC Streetcar (Streetcar) Project design is completed and ready to be advertised for construction bids.
- The engineer's estimate for construction is \$141.6 million.
- Work is to be completed 850 days after issuance of the notice to proceed.
- Construction of the Streetcar Project route is complex.
- Highlighted the other timelines regarding the Streetcar Project.
- During construction, the contractor is required to maintain access to businesses, residences, and etcetera.
- The contractor pre-qualification process is underway and the deadline submission due date is December 19th.
- Last Friday, three contractor teams were notified about meeting the pre-qualification requirements.
- Only pre-qualified contractors will be invited to submit a bid for construction.
- In May 2018, staff will seek Board approval to award the construction contract.

14. (Continued)

A discussion ensued regarding:

- The cities' of Garden Grove and Santa Ana positive partnership for the Streetcar Project.
- The Streetcar Project is a good example of using Measure M2 (M2) funding to leverage obtaining other funding sources.
- Staff is confident with the estimated construction costs.
- The construction contractors bid list has a good pool of contractors.

A motion was made by Director Jones, seconded by Director Delgleize, and declared passed by those present, to approve the release of Invitation for Bids 7-1904 for construction of the OC Streetcar project.

Directors M. Murphy and Tait voted in opposition.

Orange County Transportation Authority Regular Calendar Matters

15. Proposed State Route 241/91 Express Lanes Tolled Connector Update

Darrell Johnson, CEO, opened with comments and referenced the handouts provided at the dais to the Board of Directors (Board), and Kia Mortazavi, Executive Director of Planning, provided a PowerPoint presentation for this item as follows:

- State Route 91 (SR-91) Corridor Vicinity Map;
- 91 Corridor Actions;
- Proposed Project Scope;
- SR-91 Eastbound Configuration with Proposed Tolled 241/91 Connector;
- Complexity of Traffic Movements;
- Regional Considerations;
- SR-91 Corridor Implications;
- Performance Summary;
- Operational Considerations;
- Other Options; and
- Recommended Actions.

15. (Continued)

Public comments were heard from:

1. Mike Kraman, CEO, Transportation Corridor Agencies (TCA), commented that the 241/91 Express Lanes tolled connector project is an example of a regional mobility project that will enhance the regional toll network, and specially a toll road and express lane connector.

Mr. Kraman stated that the data presented and staff recommendations are based on old assumptions, data, and analysis, and since the Riverside County Transportation Commission (RCTC) 91 Express Lanes project is built, this is an opportunity to go forward with the project.

Mr. Kraman provided his concerns and comments on Attachments B and D of the Staff Report. In addition, he stated that the technical meetings associated with new data collection and analysis have begun and include staff from the California Department of Transportation (Caltrans) Districts 8 and 12 OCTA, RCTC, and TCA.

Mr. Kraman concluded that in response to the recommendations is for TCA, as a sponsoring agency, to update its draft technical reports and study, as well as to be included with Caltrans, OCTA, and RCTC in studying this corridor. He requested that the Board modify staff's recommendation to request TCA to continue to collect and analyze the RCTC 91 Express Lanes post-opening data, before continuing to finalize the environmental document and final design.

2. John Standiford, Deputy Executive Director, RCTC, commented that RCTC supports staff's recommendation. In addition, he also stated that RCTC is concerned about the eastbound commute that is a general purpose lanes and express lanes issue for the entire corridor. Mr. Standiford concluded that RCTC is ready to work with all the agencies involved with this project.

Director Donchak asked Mr. Standiford if RCTC supports staff's recommendations and if RCTC received a response from TCA to the letter dated November 28, 2017, that is referenced in Attachment E of the Staff Report.

Mr. Standiford responded that RCTC supports staff's recommendations and recently received a response from TCA. He also stated that the "do no harm" approach is what RCTC used with OCTA when RCTC developed its portion of the 91 Express Lanes. He stated his desire for all agencies to take the "do no harm" approach for the SR-91 corridor.

15. (Continued)

Director Chamberlain addressed Mr. Standiford as follows:

- Does RCTC support staff's recommendations to work solely between OCTA and RCTC.
- To either work on alternatives in the SR-91 corridor, or to work with Caltrans, TCA, OCTA, and RCTC to evaluate the SR-91 corridor.
- Would RCTC oppose an amendment to the recommendations to include Caltrans District 8 and 12 in the discussions.
- If there is an opportunity to add a sixth lane, what is RCTC's opinion on whether to accelerate the sixth lane.

Mr. Standiford responded that:

- RCTC has been involved with many of the technical discussions regarding this project.
- As this Project moves forward, RCTC is ready to work with all the agencies.
- RCTC supports staff's recommendations.
- There is no official RCTC position, if there was an amendment to the recommendation to include Caltrans Districts 8 and 12.
- Ongoing communications would be helpful.
- If there are opportunities to increase traffic capacity on the 91 corridor, RCTC would like to review if the sixth lane is feasible.

A lengthy discussion ensued regarding:

- This item makes explicit OCTA's position in regards to protecting the success on the 91 corridor by using the "do no harm" approach.
- For the past five years, the 91 corridor commuters have experienced extreme construction fatigue.
- Continue to study this project that would benefit the cities of Anaheim, Yorba Linda, and other areas of the region.
- Director Tait's inquired if Caltrans looked into the traffic analysis for this connector project, and Director Chamberlain responded that Caltrans has reviewed it extensively.
- Director Chamberlain stated that Caltrans does not agree with staff's recommendations and provided comments about the Project's overall benefits as noted in Attachment B of the Staff Report.
- Communication between the agencies and stakeholders is needed.
- Pause and engage all the stakeholders, as well as include Caltrans.
- Update all data and analyze all solutions that consider regional mobility, as well as review the entire footprint of the 91 corridor.
- RCTC is in the process of conducting a major study of the SR-91 and Interstate 15 corridors.

15. (Continued)

- OCTA and RCTC are responsible for the performance of the SR-91 corridor.
- Page 5 of the Staff Report lists potential solutions.
- Concerns about:
 - Cut through in the cities of Anaheim and Orange;
 - Not having a set of reliable reports;
 - Process;
 - Stantec data; and
 - Operations of the project.
- The toll revenues are not included in the Staff Report.

Chairman Hennessey noted for the record a written comment, provided as a handout to the Board, from the SR-91 Advisory Committee Chairman, Al Murray, about a discussion with SR-91 Advisory Committee Vice Chair, Karen Spiegel, and City of Corona Mayor about concerns for this project.

A motion was made by Director M. Murphy, seconded by Director Tait, to remove Recommendation A, and approve Recommendation B, with the clarification that it is in coordination and planning with the State Route 91 corridor agencies (Caltrans, OCTA, and TCA) along with RCTC as follows:

Direct staff to work with the Riverside County Transportation Commission and the State Route 91 corridor agencies to evaluate opportunities to advance State Route 91 corridor congestion relief projects.

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

- A. Direct staff to request Transportation Corridor Agencies to defer all work on the State Route 241/91 Express Lanes connector given the regional mobility impacts.
- B. Direct staff to work with the Riverside County Transportation Commission to evaluate opportunities to advance State Route 91 corridor congestion relief projects.

Director Chamberlain provided his comments about not including Caltrans in the substitute motion, as Caltrans does system-wide transportation planning in Orange County.

A discussion ensued and Director Donchak amended the substitute motion to include Caltrans in Recommendation B and Director Pulido concurred.

15. (Continued)

The amended substitute motion made by Director Donchak, seconded by Director Pulido, was declared passed by those present, to:

- A. Direct staff to request Transportation Corridor Agencies to defer all work on the State Route 241/91 Express Lanes connector given the regional mobility impacts.
- B. Direct staff to work with the Riverside County Transportation Commission and California Department of Transportation to evaluate opportunities to advance State Route 91 corridor congestion relief projects.

Directors Delgleize, M. Murphy, and Tait opposed the vote.

Discussion Items

16. OC Bridges Railroad Grade Separation Completion

Ross Lew, Program Manager, and Tresa Oliveri, Community Relations Officer, provided a PowerPoint presentation for this item as follows:

- Program Overview;
- Project Timeline;
- Funding;
- Public Outreach; and
- A video was shown.

The Board, previous Boards, and staff were thanked of all their efforts on the OC Bridges Program.

Director Shaw requested the number of people employed, and Director Donchak requested a safety summary for the OC Bridges Program.

No action was taken on this information item.

17. Public Comments

Public comments were heard from:

1. Almeta Carter, Teamsters Local 952 (Teamsters), commented that Teamsters is looking forward to negotiating a fair contract.
2. Bruce Senator, bus and ACCESS rider, commented on issues when using the OC App to purchase the disabled reduced fare and the OCTA telephone tree automated system.

Mr. Johnson, CEO, responded that staff will connect with Mr. Senator about the OC App purchasing issues. In addition, Chairman Hennessey asked to update the Board on how the OC App and telephone tree issues were addressed.

3. Art Aguilera, Coach Operator and Teamsters Union Steward, provided his transportation work background and commented that OCTA coach operators cannot make a good living wage.
4. Gerald Allen, Teamsters Union Steward at the Santa Ana Base, provided his transportation work background and commented that Teamsters is looking for fair contract negotiations.
5. Patrick Kelly, Teamsters Representative, complimented the Board for its public service and accomplishments. Mr. Kelly stated that Teamsters has been in negotiations with OCTA since early spring 2017, currently going into mediations, and looking for a fair contract with no disruption of service.
6. Andrew Smith, Coach Operator, commented that he has worked at OCTA for approximately 20 years. In addition, he asked the Board to recognize the coach operators by providing a fair contract.
7. Robert Bennett, Teamsters Representative, commented that he has worked for OCTA for approximately 17 years. In addition, he asked the Board to recognize the excellent work of the coach operators, as well as requested a fair and respectable contract.
8. Cassandra Walker, Coach Operator, commented that she has been an employee with OCTA for 30 years and the coach operators want a fair contract.

18. Chief Executive Officer's Report

Darrell Johnson, CEO, reported that:

- On Thursday, December 7th, Congress voted to extend the fiscal year 2017 appropriations levels to December 22nd in order to avoid a potential government shutdown. In addition, he stated that this prevents federal programs to tap into higher Fixing America's Surface Transportation Act authorized levels for fiscal year 2018 that began in October 1st. Staff will continue to follow this issue, and the Board will be updated on the progress.
- Last week, the Women In Transportation (WTS) hosted its annual awards gala, and OCTA was presented the Rosa Parks Diversity Leadership Award for all its various diversity initiatives. Chairman Hennessey and Director Murray were thanked for attending the awards gala.
- Chairman Hennessey commented on the WTS Rosa Parks Diversity Leadership Award.
- On Friday, December 15th, OCTA will host its 25th Annual Stuff-A-Bus Toy Drive, along with ABC7 and Southern California firefighters, at the Honda Center from 4:30 a.m. to 6:30 p.m.
- For the 16th consecutive year, OCTA will offer free bus rides on New Year's Eve to encourage people not to drink and drive. In addition, OCTA is in the process of rolling out a marketing campaign to promote the free bus service on New Year's Eve.

19. Directors' Reports

Director Chamberlain reported that at the WTS awards gala, Caltrans District 12 received the innovative transportation project of the year award for Caltrans' transportation network systems plan. He feels proud of Orange County and the regional partners in striving for innovation mobility.

20. Closed Session

A Closed Session was held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation. Estate of Richard Collins, et al., v. Orange County Transportation Authority, et al. OCSC Case No. 30-2016-00844677.

20. (Continued)

- B. Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation, Zia Gao, et al. v. Orange County Transportation Authority, et al., OCSC Case No. 30-2015-00814633.
- C. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development, and for Teamsters Local 952 is Patrick Kelly or his designee.

There was no report out for the Closed Session items.

21. Adjournment

The meeting adjourned at 11:20 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, January 8, 2018**, 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