

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 January 22, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:04 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: Lisa A. Bartlett, Chairwoman  
Tim Shaw, Vice Chairman  
Laurie Davies  
Barbara Delgleize  
Andrew Do  
Lori Donchak  
Michael Hennessey  
Steve Jones  
Mark A. Murphy  
Richard Murphy  
Al Murray  
Shawn Nelson  
Miguel Pulido  
Todd Spitzer  
Michelle Steel  
Tom Tait  
Gregory T. Winterbottom

Directors Absent: Ryan Chamberlain, Governor's Ex-Officio Member

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 Resolutions of Appreciation for Employees of the Month for January 2018**

Darrell Johnson, Chief Executive Officer (CEO), presented OCTA Resolutions of Appreciation Nos. 2018-016, 2018-017, and 2018-018 to Bernard Lopez, Coach Operator, Antonio Gallegos, Maintenance, and Ross Lew, Administration, as Employees of the Month for January 2018.

**2. Recognition of the Orange County Transportation Authority's 2017 Leadership Development Academy**

Darrell Johnson, CEO, recognized the 2017 Leadership Development Academy graduates as follows:

1. Adriann Cardoso, Planning (not present)
2. Andrea West, Government Relations
3. Benjamin Torres, Finance and Administration
4. Carolyn Patterson, Transit
5. Charlie Larwood, Planning
6. Christina Byrne, External Affairs
7. Edwin Byrne, Human Resources and Organizational Development
8. Jeannie Lee, Capital Programs
9. Jeff Mills, Capital Programs
10. Pia Veesapen, Finance and Administration
11. Rene Vega, Finance and Administration
12. Ric Teano, Government Relations
13. Ryan Armstrong, External Affairs
14. Steven King, Capital Programs
15. Tom Young, Finance and Administration

Chairwoman Bartlett thanked the graduates for taking the time and effort to continue their education as the future leaders of OCTA.

Director Winterbottom complimented the graduates and OCTA for having good staff.

**3. 2018 Orange County Transportation Authority Board of Directors Strategic Initiatives**

Chairwoman Bartlett referenced the handout provided to the Board of Directors (Board) at the dais and summarized the six 2018 Board Strategic Initiatives as follows:

1. Deliver Capital Projects
2. Maximize Funding Opportunities
3. Develop Sustainable Transportation Plans
4. Strengthen Regional Partnerships
5. Modernize Transit Services
6. Champion Fiscal Responsibility

Chairwoman Bartlett thanked the OCTA Board, staff, and its vendors for helping to accomplish the Board Strategic Initiatives.

**Orange County Local Transportation Authority Special Calendar Matters**

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

Joe Gallardo, Manager, Real Property, provided a PowerPoint presentation as follows:

- Interstate 405 (I-405) Improvement Project (Project) Proposed Improvements;
- I-405 Project Resolutions of Necessity Locations;
- Resolution of Necessity (RON) Numbers:
  - 2018-001 – Sendero Huntington Beach, LLC (Sendero)
  - 2018-002 – Fountain Valley Industrial Parcel 13 Investment Co., LP
  - 2018-003 – Bella Terra Medical Plaza, LLC; and
- Four Requirements to be Considered to Adopt Resolutions.

James Donich, General Counsel, stated that OCTA received notification from two of the property owners for RON Nos. 2018-001 and 2018-002 to be heard at today's hearing.

Chairwoman Bartlett opened the floor for public comments that were heard from:

1. Alisha Ortiz, Attorney, Dentons US LLP, commented that she represents the Sendero and highlighted OCTA's proposed acquisitions. Ms. Ortiz reported that Sendero is an apartment community with 152 units located next to the I-405.

**4. (Continued)**

Ms. Ortiz stated that the location of the Project would cause enormous private injury and disproportionately inflict harm on Sendero and its residents. Ms. Ortiz concluded that for this reason, and reasons outlined in Sendero's November 6, 2017 objection letter, Sendero objects to the adoption of the RON.

2. Erin Naderi, Attorney, Law Firm of Palmieri Tyler, stated that she is speaking on behalf of the Fountain Valley Industrial Parcel 13 Investment Co., LP. Ms. Naderi commented that the information provided and included in the Staff Report is their understanding that OCTA is only taking portions of the property identified and is the property necessary for the Project. Ms. Naderi concluded that if OCTA's position changes at any time that they reserve all rights.

Director Spitzer asked General Counsel to address Attorney Naderi's comment about the lack of understanding. Director Spitzer also asked if the rights being asserted by OCTA was discussed with the representation and asked what OCTA has done to date to ensure that what Ms. Naderi put on the record is actually true.

James Donich, General Counsel, responded that a statutory offer was made to the property owner, and OCTA's rights are detailed in the Staff Report and were presented today by Mr. Gallardo. Mr. Donich interpreted the attorney's statement as reserving their right to object if anything changes in the future. Mr. Donich also clarified that OCTA would need to restart the RON process, which would require a new Board vote, if changes are made.

Director Spitzer asked what Sendero articulated in their letter about the significant impacts the Project will bring.

Mr. Donich, General Counsel, responded that per the statute, OCTA seeks small easement slivers for a footing and temporary construction, and OCTA is not impacting the living units and not taking any parking stalls. Mr. Donich also interpreted the Sendero objections as standard, and what has been presented does not impact the Board's decision to approve the RONs.

Director Hennessey stated that the letter from Sendero asserts noise, light pollution, and aesthetic impacts.

A motion was made by Director Davies, seconded by Director R. Murphy, and declared passed by those present, to close the hearing.

**4. (Continued)**

A motion was made by Director Murray, seconded by Director Delgleize, and declared passed 16 to 0 by those present, to adopt Resolution of Necessity No. 2018-001, 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.

Director Nelson was not present to vote on Resolution of Necessity No. 2018-001.

A motion was made by Director Winterbottom, seconded by Director Delgleize, and declared passed 16 to 0 by those present, to adopt Resolution of Necessity No. 2018-002, 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.

Director Nelson was not present to vote on Resolution of Necessity No. 2018-002.

A motion was made by Director Hennessey, seconded by Director M. Murphy, and declared passed 16 to 0 by those present, to adopt Resolution of Necessity No. 2018-003, 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.

Director Nelson was not present to vote on Resolution of Necessity No. 2018-003.

**Consent Calendar (Items 5 through 14)**

**Orange County Transportation Authority Consent Calendar Matters**

**5. Approval of Minutes**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of January 8, 2018.

Director Nelson was not present to vote on this item.

**6. Approval of 2018 Orange County Transportation Authority Board Committees and External Agencies' Assignments**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to:

- A. Approve the Chairwoman's assignments for the 2018 Orange County Transportation Authority Board Committees comprised of the Executive, Finance and Administration, Legislative and Communications, Regional Planning and Highways, State Route 91 Advisory, Transit, and Environmental Oversight Committees.
- B. Receive the Chairwoman's assignments for 2018 external agencies comprised of the California Association of Councils of Governments, Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency, Mobile Source Air Pollution Reduction Review Committee, Southern California Association of Governments' Regional Council, Orange County Council of Governments, and Southern California Regional Rail Authority.

Director Nelson was not present to vote on this item.

**7. Approval of Board Member Travel**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to approve the travel to Washington, D.C., for Chairwoman Lisa A. Bartlett the week of January 28, 2018 for the Orange County Transportation Authority's Washington advocacy trip focusing on the Orange County Transportation Authority transportation and legislative priorities for the 2nd Session of the 115th Congress.

Director Nelson was not present to vote on this item.

**8. Award of Sole Source Agreement with Xerox Corporation for Ink, Parts, Supplies, Printing, Equipment Repair, and Maintenance**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-7-2110 between the Orange County Transportation Authority and Xerox Corporation, in the amount of \$100,000, for printing costs, equipment repair, and maintenance of the Xerox 800 color press through September 30, 2018.
- B. Add the Xerox 800 and 1000i color presses to the Orange County Transportation Authority's Fiscal Year 2017-18 Sole Source List for Licensing and Maintenance Agreements.

Director Nelson was not present to vote on this item.

**9. Agreement for Information Technology Contract Technical Staffing**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to:

- A. Approve the selection of Intratek Computer, Inc., as the firm to provide contract staffing services for Information Technology technical positions.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1949 between the Orange County Transportation Authority and Intratek Computer, Inc., in the amount of \$11,267,760, for a five-year term, effective through March 31, 2023, to provide contract staffing services for Information Technology technical positions.

**10. Appointment of the Orange County Transportation Authority Treasurer**

Director Spitzer pulled this item and stated that the recommended actions do not capture the Finance and Administration (F&A) Committee's robust discussion. Director Spitzer commented on OCTA's practice to date that the Treasurer can make investment decisions and how discrepancy is handled.

Director Spitzer stated that the F&A Committee included a new Recommendation C to ensure checks and balances. He requested that Recommendation C include language stating that the Treasurer would be required to notify in writing, with written acknowledgement by the CEO or Deputy CEO, if the Treasurer is contemplating taking an action that is in conflict with the annual investment policy.

A motion was made by Director Spitzer, seconded by Director Do, and declared passed by those present, to:

- A. Appoint the Executive Director of Finance and Administration as the Treasurer of Orange County Transportation Authority and its affiliated agencies, effective January 22, 2018.
- B. Authorize the Treasurer to invest or reinvest Orange County Transportation Authority funds for the remaining duration of Fiscal Year 2017-18.
- C. Direct staff to update existing written policies and procedures that, regardless of the authority vested in the Treasurer by the Board, would require the Treasurer to notify in writing, with written acknowledgement by the Deputy Chief Executive Officer or Chief Executive Officer, if the Treasurer is contemplating taking an action that is in conflict with the annual investment policy and document their approval. If there is a disagreement between the Treasurer and either the Deputy Chief Executive Officer or Chief Executive Officer regarding whether the action should or should not be taken, then the Finance and Administration Committee will be notified of the disagreement.

**11. Fourth Quarter 2017 Debt and Investment Report**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to receive and file the Quarterly Debt and Investment Report prepared by the Treasurer as an information item.

Director Nelson was not present to vote on this item.

**12. SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Program Recommendations for Fiscal Year 2017-18 Funds**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to:

- A. Approve the use of \$5.607 million in fiscal year 2017-18 SB 1 State of Good Repair program funding for the purchase of ten zero-emission hydrogen fuel cell buses.
- B. Approve the use of any remaining fiscal year 2017-18 SB 1 State of Good Repair program funding (currently estimated to be \$66,181) for heating-ventilation unit replacements at Anaheim Base Maintenance Building.
- C. Approve Resolution 2018-015, consistent with the SB 1 State of Good Repair program guidelines.
- D. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above recommendations.

Director Nelson was not present to vote on this item.

**Orange County Transit District Consent Calendar Matters**

**13. Approval to Release Request for Proposals for Installation of a Video Surveillance System at Santa Ana and Garden Grove Bus Bases**

A motion was made by Director Murray, seconded by Director Hennessey, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 7-2138 for installation of a video surveillance system at the Santa Ana and Garden Grove bus bases.
- B. Approve the release of Request for Proposals 7-2138 for installation of a video surveillance system at the Santa Ana and Garden Grove bus bases.

Director Nelson was not present to vote on this item.



## **Orange County Local Transportation Authority Consent Calendar Matters**

### **14. Local Agencies' Interest in Project V Call for Projects**

Director Davies pulled this item and referenced the letter from the City of Mission Viejo that was provided to the Board at the dais. Director Davies stated that Mission Viejo studied expanding the year-round Project V service to the two high schools, several commercial areas, major parks and recreation centers, Lake Mission Viejo, and the City's two largest senior communities.

Director Davies asked when Mission Viejo's Project V service can be reviewed and would the City be able to provide a seasonal service to coincide with the high school schedule to see how it works out.

Mr. Johnson, CEO, responded that next month the Board will take action on the proposed Project V guidelines and call for projects. In addition, he stated that OCTA is in receipt of Mission Viejo's letter, and two additional cities have expressed similar interests. Mr. Johnson also stated that OCTA will work with the cities to adjust the proposed Project V guidelines in order for the cities to apply for a year-round service for the Board's consideration.

Director Davies asked if OCTA conveyed the information to the City of Mission Viejo. Mr. Johnson responded that OCTA would convey the information to all the local agencies.

Chairwoman Bartlett commented that the year-round Project V service has been a challenge due to the ridership requirements and the seasonal and special event service help the city start a successful service.

A motion was made by Director Davies, seconded by Director M. Murphy, and declared passed by those present, to direct staff to return with revised Project V Guidelines for a potential call for projects that focuses on special event and seasonal services.

## **Regular Calendar**

There were no Regular Calendar matters.

## **Discussion Items**

### **15. 2017 Chief Executive Officer's Initiatives and Action Plan - End-of-Year Report**

Darrell Johnson, CEO, referenced this item's Staff Report that lists in detail the 2017 CEO's initiatives and action plan end-of-year report. Mr. Johnson highlighted the milestones, and no discussion ensued.

### **16. Public Comments**

There were no public comments.

### **17. Chief Executive Officer's Report**

Darrell Johnson, CEO, reported on the following:

- Interstate 405 Improvement Project:
  - On Friday, January 26<sup>th</sup> at 9:00 a.m., in the Ikea parking lot in Costa Mesa, the groundbreaking event will take place.
  - OCTA continues public outreach efforts.
  - The Automobile Club of Southern California Westways magazine featured the Project.
- Santa Ana College Pass Program:
  - The college pass program is sustaining ridership levels on OCTA's most heavily utilized bus routes in the core of Orange County.
  - The college pass holders comprise approximately 10 percent of total boardings on two of the busiest corridors on Bristol Street/ State College Boulevard and Westminster Avenue/17<sup>th</sup> Street.
  - Staff will present a detailed report to the Transit Committee.
- February Bus Service Change:
  - Effective on Sunday, February 11<sup>th</sup>.
  - There will be improvements on several bus routes and include three routes that serve south Orange County (routes 89, 90, and 91).
  - There will be reductions on lowest productivity routes including some Stationlink routes.
- Santa Barbara County Mudslides:
  - OCTA's thoughts are with those affected by the devastating mudslides.
  - As of yesterday, Highway 101 reopened.
  - Vice Chairman Shaw and Director Murray are aware as the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency (Agency) Board of Directors Members about adding additional service and borrowing rail cars for the Pacific Surfliner to accommodate the additional demand.
  - Jennifer Bergener, Managing Director, LOSSAN Agency and LOSSAN staff were thanked for their efforts.

**17. (Continued)**

- Lance Larson, Executive Director of External Affairs, provided an update on the 2018 Government Shutdown and reported that the Senate is taking a cloture vote to reopen the government to February 8<sup>th</sup>, and would need to move to the House.

**18. Directors' Reports**

Director Pulido requested a light be placed above the Board room podium, in order to see the speakers, as well as asked for improvements to the podium microphone.

**19. Closed Session**

A Closed Session was held for the following:

- A. Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation. Evan Weiss, et al. v. The People of the State of California, By and Through Its Department of Transportation, OCSC Case No. 30-2012-00605637, Civ. No. G052735.
- B. Pursuant to Government Code Section 54956.9(d)(1) – Existing Litigation – Conference with Legal Counsel – Alberto Hernandez et al., v. Orange County Transportation Authority et al., OCSC Case No. 30-2016-00878824.
- 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 letters A, B, and C.

Director Spitzer was not present for Closed Session letters B and C.

Director Steel was not present for Closed Session letter C.

**20. Adjournment**

The meeting adjourned at 9:56 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, February 12, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

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Laurena Weinert  
Clerk of the Board

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Lisa A. Bartlett  
OCTA Chairwoman