

Revised  
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 April 9, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:05 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  
                               Todd Spitzer  
                               Michelle Steel  
                               Adnan Maiah, Acting District Director  
                                     California Department of Transportation District 12

Directors Absent:     Miguel Pulido  
                               Tom Tait  
                               Gregory T. Winterbottom

Also Present:     Darrell E. 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**

There were no Special Calendar matters.

## **Consent Calendar (Items 1 through 14)**

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

#### **1. Approval of Minutes**

A motion was made by Director Murray, seconded by Director M. Murphy, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of March 26, 2018.

Director Nelson was not present to vote on this item.

#### **2. Cooperative Agreement with Metrolink for the Control Point Fourth Project, Internal Audit Report No. 18-504**

Director Do pulled this item and asked how much of the \$4 million was spent during the time of the audit. Janet Sutter, Executive Director of Internal Audit, responded that there was approximately \$1.3 million in charges.

A discussion ensued regarding:

- The amount of charges attributed to these agreements.
- Director Do stated the following:
  - Concerned about the competitive bid process, cost competitiveness, lack of documentation, reason for the procurement method used, and procurement outside the scope of work of the contract.
  - Metrolink has a history of audit issues, and for this item, why should OCTA have to be subject to the consequences of Metrolink's actions.
  - In order to provide oversight, OCTA should be able to participate earlier in the procurement process
- Metrolink procured properly its bench of consultants, but issued the Contract Task Orders (CTOs) without competition.
- The Federal Transit Administration guidelines require documentation and a reason that the time-and-materials CTO were the preferred procurement method.
- The CTO issued were for time-and-materials versus a fixed cost.
- OCTA could amend the Metrolink cooperative agreement(s) for projects that OCTA funds to include language that OCTA be given additional project management oversight.

**2. (Continued)**

- Metrolink's audit had the same findings as OCTA's audit, and Metrolink updated its procedures, as well as invited OCTA to participate in the CTO selection process for a current OCTA-funded project.
- Chairwoman Bartlett stated the following:
  - Requested that the Board of Directors (Board) be provided information about Metrolink's procedural changes.
  - OCTA communicate the Board's comments to Metrolink through OCTA's Board appointees to the Metrolink Board, which are Directors Nelson and Winterbottom.
- Communicate, in writing, to Metrolink's Chief Executive Officer (CEO), the Board's comments.
- This project was completed on March 4<sup>th</sup>, is in service, and the "punch list" is in the process of being completed.
- Director Spitzer stated the following:
  - Provide Metrolink's management response to the findings by its auditor.
  - Continue this item in order to transmit OCTA's concerns to Metrolink's CEO.

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

- A. Continue this item to the appropriate time as to when the Orange County Transportation Authority can secure a Metrolink management response to its audit.
- B. Direct the Orange County Transportation Authority's Chief Executive Officer to transmit a letter encapsulating the comments from the April 9, 2018 Board of Directors meeting, in regards to this item, and include Metrolink's response.

Director Nelson was not present to vote on this item.

**3. Fiscal Year 2017-18 Second Quarter Budget Status Report**

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

Director Nelson was not present to vote on this item.

**4. Amendment to Agreement for the Implementation of the Federal Disadvantaged Business Enterprise Program**

A motion was made by Director Murray, seconded by Director M. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-4-1514 between the Orange County Transportation Authority and Padilla & Associates, Inc., in the amount of \$150,000, to exercise the one-year option term of the agreement through August 31, 2019, to provide assistance in administering the federal Disadvantaged Business Enterprise Program. This will increase the maximum obligation of the agreement to a total contract value of \$1,050,000.

Director Nelson was not present to vote on this item.

**5. Amendments to the Orange County Transportation Authority Drug and Alcohol Policy Manual**

Director Spitzer pulled this item and stated that he discussed with staff, before the Board meeting, recommendation letter A. Director Spitzer referenced Attachment B of the Staff Report, sections 5.5B and 6.2C, and asked staff to rewrite and explain the reasons for the changes to the policy.

Matt DesRosier, Department Manager of Health, Safety, and Environmental Compliance, responded as follows:

- The recommendation is to remove the Department of Motor Vehicles medical recertification for drug and alcohol screening, which are not federal and state requirements.
- Instead, OCTA could increase safety measures under the federal required testing programs, which includes pre-employment, random, post-accident, reasonable suspicion, and return-to-duty testing.
- Random testing is a more effective screening tool.
- Due to varying employee's personal health conditions, there are inconsistencies with testing of a safety-sensitive employee.

Director Spitzer stated the following:

- Why not test all safety-sensitive positions, as well as increase random testing.
- Some safety-sensitive employees are tested more often due to medications being used for various medical reasons.
- Requested that staff explain, in writing, the reasons for the recommended actions, as he is concerned with removing safety measures.

**5. (Continued)**

A discussion ensued as follows:

- James Donich, General Counsel, will work with staff to clarify in writing the recommended actions.
- OCTA's intent is for a more effective drug and alcohol policy.
- Director M. Murphy suggested using the word "replace", for what is being removed, as well as provide an explanation for the proposed changes.
- Director Spitzer commented as follows:
  - A safety-sensitive employee, taking legally prescribed medication, should be in a different category and kept separate from the random testing population.
  - OCTA needs to be able to test a safety-sensitive employee returning to duty (from medical leave), as there are concerns about opioids and legal medical marijuana usage.

A motion was made by Director Spitzer, seconded by Director M. Murphy, and declared passed by those present, to continue this item for two weeks.

Director Nelson was not present to vote on this item.

**6. SB 1 (Chapter 5, Statutes of 2017) Programs Update**

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

Director Nelson was not present to vote on this item.

**7. Amendment to the Master Plan of Arterial Highways**

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

- A. Approve an amendment to the Master Plan of Arterial Highways for the following:
- Reclassify Esperanza Road, between Imperial Highway and the Fairmont Boulevard Connector, from a major (six-lane, divided) to a primary (four-lane, divided) arterial;
  - Reclassify Fairmont Boulevard Connector, between Esperanza Road and Fairmont Boulevard, from a major (six-lane, divided) to a primary (four-lane, divided) arterial;
  - Reclassify Los Patrones Parkway, between Chiquita Canyon Road to Cow Camp Road, from a primary (four-lane, divided) to secondary (four-lane, undivided) arterial; and

**7. (Continued)**

- Add Los Patrones Parkway, south of Oso Parkway to Chiquita Canyon Road, as a secondary (four-lane, undivided) arterial.

The proposed amendment will become final, contingent upon the Orange County Transportation Authority receiving documentation that the County of Orange and City of Yorba Linda have amended their respective general plans and have complied with the requirements of the California Environmental Quality Act.

If the original proposed Master Plan of Arterial Highways amendment is modified as a result of the California Environmental Quality Act and/or general plan amendments 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.

**8. Interstate 5 (Avenida Pico to San Diego County Line) Project Status Update**

Director Donchak pulled this item, provided comments, and asked why the Transportation Corridor Agencies (TCA) is included in the discussions for this item's project.

Kurt Brotcke, Director of Strategic Planning, responded that as part of the project development team, OCTA included the California Department of Transportation (Caltrans), San Diego, and the TCA.

A discussion ensued regarding:

- The project will be studied using travel model-based weekday demand. Congestion on some weekends throughout the year will be noted in the study, but will not drive project alternatives.
- The primary focus of the project study report is on the high-occupancy vehicle lane extension and capacity improvements from where the Measure M2 project ends at Avenida Pico to the San Diego County line.
- The TCA is included on the project development team to ensure awareness of OCTA's Interstate 5 (I-5) project plans.
- The TCA currently does not have a project for the I-5 but is moving forward with a formal process to define proposals for a future project.

**8. (Continued)**

- Caltrans is included on the project development team and is working with OCTA.
- Caltrans' preliminary traffic analysis indicates recurring congestion on the weekends, and future environmental studies will evaluate this issue.
- Caltrans sent a letter to OCTA (dated March 27, 2018) acknowledging the traffic analysis report, weekend congestion is an issue, and requested all agencies' studies methodologies be included in the process.
- Supervisorial District 5 has construction fatigue, drivers may have modified driving habits, and studies should evaluate this issue as the public adjusts to the recent construction improvements.
- Director Donchak requested to be appraised on any future environmental studies that include managed lanes between Oso Parkway and Camp Pendleton on the I-5.
- Regional Planning and Highways (RP&H) Committee Chairman M. Murphy stated this item has been reviewed by the RP&H Committee.
- South Orange County's population will increase over the next 20 years, especially in the Rancho Mission Viejo area, and Director Donchak requested that Rancho Mission Viejo be consulted as part of the study process.
- Chairwoman Bartlett requested that when the Interstate 405 Improvement Project is completed, staff review connectivity of the State Route 73 toll road to the San Diego County line from the I-5.

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

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

**9. Orange County Local Transportation Authority Measure M2 Agreed-Upon Procedures Reports, Year Ended June 30, 2017**

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

- A. Direct staff to monitor implementation of recommendations by cities.
- B. Receive and file the Orange County Local Transportation Authority Measure M2 Local Fair Share Agreed-Upon Procedures Reports Year Ended June 30, 2017, and the Orange County Local Transportation Authority Measure M2 Senior Mobility Program Agreed-Upon Procedures Reports Year Ended June 30, 2017, as information items.

Director Nelson was not present to vote on this item.

**10. Agreement for Right-of-Way Clearance Services for the Interstate 5 Far North Widening Project in the City of Anaheim**

A motion was made by Director Murray, seconded by Director M. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2115 between the Orange County Transportation Authority and OFRS, Inc., the lowest responsive, responsible bidder, in the amount of \$62,475, for right-of-way clearance services for the Interstate 5 Far North Widening Project in the City of Anaheim.

Director Nelson was not present to vote on this item.

**11. Amendment to Agreement for Additional Design Services for Interstate 5 Improvement Project from South of Alicia Parkway to El Toro Road**

A motion was made by Director Murray, seconded by Director M. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-4-1426 between the Orange County Transportation Authority and TRC Solutions, Inc., in the amount of \$949,605, for additional design services for the Interstate 5 Improvement Project from south of Alicia Parkway to El Toro Road. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$8,569,287.

Director Nelson was not present to vote on this item.

**12. 2018 State Transportation Improvement Program Update**

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

- A. Authorize the use of up to \$7.372 million in Surface Transportation Block Grant funds for the Interstate 5 improvements from Interstate 405 to State Route 55.
- B. Authorize an exchange of Measure M2 funds between three segments of the Interstate 5 Improvement Project.
  - Decrease Measure M2 funds by \$11 million for the Interstate 5 improvements from Alicia Parkway to El Toro Road,
  - Increase Measure M2 funds by \$9.1 million for Interstate 5 improvements from State Route 73 to Oso Parkway, and
  - Add Measure M2 funds for \$1.9 million for the Interstate 5 improvements from State Route 73 to El Toro Road Landscaping.
- C. Direct staff to work with the California Transportation Commission to deliver projects based on the existing project schedules.



**12. (Continued)**

- 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 actions.

Director Nelson was not present to vote on this item.

**13. Measure M2 Quarterly Progress Report for the Period of October 2017 Through December 2017**

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

Director Nelson was not present to vote on this item.

**14. Fiscal Year 2018-19 Measure M2 Eligibility and Countywide Pavement Management Plan Guidelines and City of Placentia's Maintenance of Effort Benchmark**

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

- A. Approve the fiscal year 2018-19 Measure M2 Eligibility Guidelines.
- B. Approve the proposed revisions to the Countywide Pavement Management Plan Guidelines.
- C. Approve the City of Placentia's maintenance of effort benchmark adjustment for the fiscal year 2017-18 eligibility cycle.

Director Nelson was not present to vote on this item.

## **Regular Calendar**

### **Orange County Transportation Authority Regular Calendar Matters**

#### **15. 2018 Long-Range Transportation Plan Update**

Darrell E. Johnson, Chief Executive Officer (CEO), provided opening comments, and introduced Kurt Brotcke, Director of Strategic Planning, who presented a PowerPoint presentation for this item as follows:

- Trend 2040 – Results;
- Federal Performance Standards;
- Trend 2040 – HOV 2+ vs HOV 3+;
- Southern California Existing Express Lanes;
- Planned Regional Express Lanes;
- Planned California Department of Transportation Express Lanes;
- Planned Express Lanes – OC Focus;
- Managed Lanes Analysis;
- Managed Lanes Analysis – Summary; and
- Next Steps.

A discussion ensued regarding:

- The 15.3 percent delay travel time for “Trend 2040” is one of the better statistics OCTA has seen in the last 20 years.
- Additional transportation capacity would help to get ahead of the delays in travel.
- Mr. Maiah, Acting District Director for Caltrans District 12, stated the following:
  - The contract has been awarded for the Caltrans’ express lanes project study report to be completed in approximately two years.
  - Once the express lanes project study report is completed, the next step is the environmental document project report to be completed in approximately two years.
- The timelines for the Caltrans express lanes is approximately 10 years or beyond.
- Part of the HOV lane degradation issues are because single person vehicle violations.
- A resource limitation for the California Highway Patrol (CHP) to enforce the HOV lane violations.
- Director R. Murphy recommended including review of enforcement options in the plan.
- Members of the assembly and senate transportation committee are aware that HOV lanes enforcement needs to be addressed.
- There have been some state modifications for the social engineering aspects for HOV lane access (i.e., electric vehicles, etcetera.)

**15. (Continued)**

- The operational federal requirement of 45 miles per hour in the HOV lanes are also overlaid with the state's HOV lane access choices continues to be a challenge.
- Vice Chairman Shaw had concerns about the HOV 3+ and stated that the public would not be happy with the Caltrans' planned express lanes.
- In Caltrans' network, the SR-22 is a lower priority and would need to be studied as part of a future project.
- Typically managed lanes have controlled access.
- This item is not proposing projects, it is an assumption for the plan, and requires public outreach.
- RP&H Committee Chairman M. Murphy reported that the RP&H Committee discussed this item, and highlighted Director Nelson's comments that managed lanes would not be popular public option, etcetera.
- Mr. Maiah, Acting District Director for Caltrans District 12, also stated the following:
  - Caltrans yearly submits to the Federal Highways Administration (FHWA) a statewide HOV network report that includes a plan on how to address degradation.
  - The FHWA responded that the proposed statewide HOV network plan does not address the identified degradation.
  - Orange County has plans to address the HOV lanes congestion.
  - Caltrans is working with the CHP to address the HOV lanes violations.

A motion was made by Director Donchak, seconded by Director R. Murphy, and declared passed by those present, to direct staff to assume priced managed lanes within the Trend 2040 scenario, recognizing that further study, interagency coordination, and public outreach are required as part of future planning efforts.

Director Spitzer was not present to vote on this item.

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

**16. Interstate 405 Improvement Project Update**

Darrell E. Johnson, CEO, provided opening comments, and introduced Jeff Mills, Program Manager, Capital Programs, who provided a PowerPoint presentation for this item as follows:

- Project Location and Key Features;
- Project Travel Time Benefits;
- Background;
- Groundbreaking Ceremony;
- Construction Update;
- Additional Updates;
- Preliminary Bridge Construction Timeline;
- Ongoing Community Outreach;
- New Project Videos; and

**16. (Continued)**

- Recent and Next Steps.

A discussion ensued regarding:

- By the end of May 2018, the Waze app will integrate the project's closures, etcetera.
- An example of the Waze app issue in Los Angeles was discussed.
- Waze is working with OCTA and acknowledged that the information from OCTA is what is needed for the app.
- Vice Chairman Shaw stated that some OCTA Board members serve on the Orange County Sanitation District Board. He thanked the colleagues who serve on both Boards, as well as staff from both agencies, for working out the conflicts to the satisfaction of both agencies with their best interests in the public.

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

**Discussion Items**

**17. Public Comments**

A public comment was heard from Thomas Box who commented that he has been a Coach Operator since July 1980. Mr. Box suggested that the \$1,000 bonus be called partial or limited retroactivity, because with the tax implications only approximately \$600 would be received.

Mr. Box also commented that once retroactive pay goes away, it will never return. Lastly, he stated the attendance policy took a long time to get to this point, and the coach operators do not want to give it away overnight.

**18. Chief Executive Officer's Report**

Darrell E. Johnson, CEO, reported on the following:

- California Association for Coordinated Transportation (CalACT) 2018 Spring Conference and Expo:
  - Last week, CalACT held its conference & expo in Newport Beach.
  - Chairwoman Bartlett and Mr. Johnson provided opening remarks at the conference.
  - Director Murray was thanked for attending the conference.
  - OCTA was presented with CalACT's 2018 Outstanding Paratransit Program Award.
  - OCTA staff and the Transit Committee was thanked for all their hard work on the paratransit program.

**18. (Continued)**

- Angels Express Kickoff Event:
  - Last Friday evening, OCTA hosted the annual pre-game kickoff rally for the Angels Express at the Laguna Niguel/Mission Viejo Metrolink Station.
  - Vice Chairman Shaw was thanked for attending the event.
- The annual Taxpayer Oversight Committee (TOC) Measure M public hearing is scheduled for Tuesday, April 10<sup>th</sup> at 6:00 p.m. at the OCTA Headquarters. OCTA will report to the Board the TOC's findings.
- The TOC monitors the use of OCTA's use of Measure M funding and has found OCTA to be in compliance with the ordinance for the past 26 years.

**19. Directors' Reports**

Director Murray reported that he joined staff at the CalACT conference, and thanked CalACT for the awards presented to OCTA. In addition, at last Thursday's, CalACT's event, he provided welcoming remarks, and thanked OCTA staff for its hard work with hosting the event.

Vice Chairman Shaw reported that he attended last Friday's Angels Express kickoff event at the Laguna Niguel/Mission Viejo Station. He thanked Mr. Johnson, CEO, and staff for a great event, as well as reported that former Angels pitcher Clyde Wright signed autographs for the Angels fans at the event.

**20. Closed Session**

A Closed Session was held for the following:

- A. Pursuant to Government Code Section 54957(b) to evaluate the performance of the Chief Executive Officer, Darrell E. Johnson.
- B. Pursuant to Government Code Section 54957.6 to meet with the designated representative, Chairwoman Lisa A. Bartlett, regarding the compensation of the Chief Executive Officer.

Directors Do and Steel were not present for Closed Session letters A and B.

**21. Annual Review and Compensation Adjustment for Chief Executive Officer, Darrell E. Johnson**

James Donich, General Counsel, announced that the Board of Directors met in Closed Session for agenda Item 20, letters A and B and agreed to continue the Closed Session items.

**22. Adjournment**

The meeting adjourned at 11:15 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 23, 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