

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 May 14, 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  
Barbara Delgleize  
Andrew Do  
Lori Donchak  
Michael Hennessey  
Steve Jones  
Mark A. Murphy  
Richard Murphy  
Shawn Nelson  
Miguel Pulido  
Todd Spitzer  
Michelle Steel  
Tom Tait  
Gregory T. Winterbottom  
Adnan Maiah, Acting District Director  
California Department of Transportation District 12

Directors Absent: Laurie Davies  
Al Murray

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**

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

**1. Proposed Fiscal Year 2018-19 Southern California Regional Rail Authority Budget**

Darrell Johnson, Chief Executive Officer (CEO), provided opening comments and introduced Southern California Regional Rail Authority's (Metrolink) staff Elissa Konove, Deputy CEO, and Ronnie Campbell, Chief Financial Officer. Mr. Campbell provided a PowerPoint presentation for this item as follows:

- Fiscal Year (FY) 2018-19 Budget Priorities;
- Revenue Allocation by Member Agency;
- FY 2018-19 Proposed Expenditures;
- Expense Allocation by Member Agency;
- Subsidy by Member Agency;
- FY 2018-19 Rehabilitation Budget and New Capital Budget; and
- Timeline – Next Steps.

A discussion ensued regarding:

- Metrolink's 10-year/\$10 billion, Southern California Optimized Rail Expansion (SCORE) program will look at planning and expansion of the system in preparation for the 2028 Los Angeles Olympics.
- The SCORE program, outside of the Member Agencies, was awarded an \$876 million grant from the Transit and Intercity Rail Capital Program. Metrolink is looking to leverage the initial SCORE programs investment with potential available state and federal grants.
- The Member Agencies share is focused on rehabilitation projects to ensure that the system's railway tracks are in a state of good repair, and Metrolink will work with the Member Agencies.
- Metrolink's third quarter analysis indicates that the operating expenses are under budget, and the final expenses will be known after the year-end process.
- The majority of the budget underrun is with the operations, and Metrolink is providing maintenance at the appropriate standards.
- Once the actuals are known, Metrolink believes there will be some operating subsidy, which would be applied to future years.
- In order to grow ridership on several of Metrolink's routes, there was a targeted fare reductions promotion.
- Metrolink has received a commitment from the Member Agencies that they have the resources and support the proposed operating budget.

No action was taken on this information item.

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

James Donich, General Counsel, opened with comments, and noted for the record that 12 affirmative votes are needed to pass the proposed Resolutions of Necessity (RON).

Chairwoman Bartlett opened the public hearing, and Jeff Mills, Program Manager, Interstate 405 (I-405) Improvement Project, provided a PowerPoint presentation for this item as follows:

- I-405 Improvement Project RON Locations;
- RON No. 2018-010 – Carolyn B. Huish;
- RON No. 2018-043 – Westminster Mall, LLC;
- RON No. 2018-046 – Golden Westminster Investments, LLC;
- RON No. 2018-051 – Southern California Edison;
- RON No. 2018-052 – Sovran Acquisition;
- RON No. 2018-053 – Miller Family Trust;
- RON No. 2018-054 – M Westland, LLC; and
- Four Requirements to be Considered to Adopt Resolutions.

James Donich, General Counsel, stated that RON No. 2018-046 – Golden Westminster Investments, LLC, was continued from the March 26, 2018 Board of Directors (Board) meeting. Mr. Donich noted that prior to the March 26 Board meeting, OCTA received a March 23, 2018 objection letter from the tenant of the property. This morning, the tenant re-sent the March 23 objection letter, and asked OCTA to include it as part of the record. A copy of the objection letter was provided to the Board at the dais.

Chairwoman Bartlett opened the floor for public comments and there was a request to speak from Benjamin Pugh, Attorney, representing RON No. 2018-053 – Miller Family Trust.

Mr. Pugh stated that objection letters were sent to OCTA on March 13, 2018 and April 13, 2018, and the law firm received OCTA's response letter dated April 23, 2018. Mr. Pugh noted that during heavy rainfalls, there is catastrophic drainage flooding. He also stated that his clients do not want the improvements to exacerbate the flooding situation, as well as concerned about extra liability if there is harm to OCTA's and the contractor's equipment.

Mr. Pugh also stated that OCTA's General Counsel is working with the law firm, and a proposed response to General Counsel's latest letter will be sent. Lastly, he commented that the taking of the property under the terms is agreed upon, there are issues with the requested indemnities, do not want the drainage flooding to cause private harm, and the first offer was received at the beginning of this year.

**2. (Continued)**

A discussion ensued regarding RON No. 2018-053 – Miller Family Trust as follows:

- OCTA's General Counsel is working with the attorney about maintenance of the existing drainage during construction.
- As far as the indemnities, OCTA and the attorney are working together to come to a resolution.
- OCTA acknowledged that there is an existing flooding issue, and OCTA would not be responsible for a betterment to improve the drainage.
- In this location there is no other option for a temporary construction easement because of the reconstructing of an existing soundwall.
- For the construction of the soundwall, OCTA will compensate for a specific time period, and the soundwall construction may take less time.
- The design-builder is required to maintain the drainage during construction, and OCTA can work with the contractor to construct the soundwall during the summer.

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

A motion was made by Director Hennessey, seconded by Director Delgleize, and declared passed by those present, to adopt Resolutions of Necessity Nos. 2018-010, 2018-043, 2018-046, 2018-051, 2018-052, 2018-053, and 2018-054, 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 Spitzer voted in opposition.

**Consent Calendar (Items 3 through 11)**

**Orange County Transportation Authority Consent Calendar Matters**

**3. Approval of Minutes - April 9, 2018**

A motion was made by Director Winterbottom, seconded by Director Donchak, and declared passed by those present, to approve the amended Orange County Transportation Authority and affiliated agencies' regular meeting minutes of April 9, 2018 to Item 8 Interstate 5 (Avenida Pico to San Diego County Line) Project Status Update.

**4. Approval of Minutes - April 23, 2018**

A motion was made by Director Winterbottom, seconded by Director Donchak, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of April 23, 2018.

**5. 91 Express Lanes Corona Customer Service Center Relocation**

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

- A. Authorize the Chief Executive Officer to execute Agreement No. C-8-1660 with Riverside County Transportation Commission, to cover the ten-year lease, as well as tenant improvements, for the 91 Express Lanes Corona Office, located at 301 Corporate Terrace Circle, Corona, California, in an amount not to exceed \$999,000, which represents Orange County Transportation Authority's share of the costs.
- B. Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement C-4-0384 with CPI Properties, LLC, to cover a six-month extension to the current lease, in an amount not to exceed \$55,000. This amount reflects the total lease cost and will be shared equally with the Riverside County Transportation Commission.
- C. Authorize the Chief Executive Officer to execute Amendment No. 1 to Agreement C-6-1349 with CBRE, Inc., to cover real estate brokerage fees, in an amount not to exceed \$14,700.

Director Tait did not participate due to potential conflict of interests.

**6. Adopt Resolution Approving the Updated Real Property Policies and Procedures Manual**

A motion was made by Director Winterbottom, seconded by Director Donchak, and declared passed by those present, to adopt Resolution No. 2018-050 approving the Real Property Policies and Procedures Manual, dated April 2018, to replace the current Real Property Policies and Procedures Manual of May 2013, previously adopted by the Board of Directors.

**7. Cooperative Agreement with the California Department of Transportation for the Transforming Beach Boulevard Study**

A motion was made by Director Winterbottom, seconded by Director Donchak, and declared passed by those present, to authorize the Chief Executive Officer or his designee to negotiate and execute Cooperative Agreement No. C-8-1648, in the amount of \$345,000, in reimbursements from the California Department of Transportation to the Orange County Transportation Authority for professional services for the Transforming Beach Boulevard Study.

**Orange County Transit District Consent Calendar Matters**

**8. June 2018 Bus Service Change**

Director R. Murphy pulled this item and asked how OCTA communicates the bus service changes to the public.

Stella Lin, Manager of Marketing, responded that typically OCTA communicates the bus service changes with brochures that are placed in the buses, interior bus advertisement, emails to customers, posting to the OCTA website and social media, and on occasions provides an onsite/in person bus ambassador.

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

**9. Agreement for Bus Dock Platform Repairs at the Newport Transportation Center**

A motion was made by Director Winterbottom, seconded by Director Donchak, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1540 between the Orange County Transportation Authority and AMTEK Construction, the lowest responsive, responsible bidder, in the amount of \$103,333, for bus dock platform repairs at the Newport Transportation Center.

**10. Consultant Selection for Installation of a Video Surveillance System at the Santa Ana and Garden Grove Bus Bases**

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

- A. Approve the selection of Convergent Technologies, LLC as the firm to perform installation of a video surveillance system at the Santa Ana and Garden Grove bus bases.

**10. (Continued)**

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2138 between the Orange County Transportation Authority and Convergent Technologies, LLC, in the amount of \$643,298, for installation of a video surveillance system at the Santa Ana and Garden Grove bus bases.

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

**11. Capital Programs Division - Third Quarter Fiscal Year 2017-18  
Capital Action Plan Performance Metrics**

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

**Regular Calendar**

There were no Regular Calendar matters.

**Discussion Items**

**12. Public Comments**

There were no public comments.

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

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

- On Thursday, May 17 at 7:30 a.m., OCTA is hosting its annual bike rally starting at the Orange Metrolink Station, with a bike ride to the OCTA Headquarters.
- Interstate 405 Improvement Project Open Houses:
  - Last week, OCTA started hosting a series of open houses to give the community an opportunity to ask questions about the project.
  - On Thursday, May 24 from 6:00 p.m. to 8:00 p.m., OCTA will host the second of six open houses at the Long Beach Veteran's Hospital.
  - Open houses will continue through May and June.
  - Last Thursday, approximately 100 people attended the first open house in the City of Westminster.

**13. (Continued)**

- Project B – Irvine Tustin Project:
  - On Thursday, May 24 from 5:30 p.m. to 8:00 p.m., OCTA is hosting the first of two public hearings at Tustin High School.
  - On Wednesday, May 30 from 5:30 p.m. to 8:00 p.m., OCTA will host the second public hearing at the Lakeview Senior Center in Irvine.
  - The public review of the draft environmental document continues to run through Friday, June 8.

**14. Directors' Reports**

Director Delgleize asked to receive the OCTA notifications for public review in a “JPG” file format.

Director Spitzer congratulated OCTA on the “Be The One” campaign and last year’s bus event won the National Association of Counties and Association of California Cities – Orange County awards. Director Spitzer also thanked OCTA for its partnership with the Commercially Sexually Exploited Children Steering Committee, which he co-chairs with the presiding judge of the Juvenile Court.

Director M. Murphy commented that the City of Orange’s council chambers are being remodeled, and last Tuesday, OCTA hosted the City of Orange’s council meeting, and thanked staff for its kind hospitality.

**15. Closed Session**

A Closed Session was held for the following:

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. Directors Spitzer and Steel were not present for the Closed Session items.

James Donich, General Counsel, reported out that in Closed Session, a motion was made by Director Nelson, seconded by Director Pulido, and unanimously approved, for a three-year contract with Teamsters Local 952 for the coach operators. Directors Spitzer and Steel were not present to vote.



**16. Orange County Transportation Authority Fiscal Year 2018-19 Budget Workshop**

Darrell Johnson, CEO, provided opening comments for the proposed fiscal year 2018-19 budget workshop.

Andrew Oftelie, Executive Director of Finance and Administration, and Sean Murdock, Director of Finance and Administration, provided a PowerPoint presentation for this item as follows:

- Budget Themes and Overview;
- Budget Sources & Uses;
- Revenues;
- Planned Use of Prior Year Designations;
- Expenditures;
- Total Budget by Program;
- Freeway Summary;
- Streets & Roads Summary;
- Bus Program Assumptions;
- Bus Service Levels;
- Cost Summary;
- Orange County Transit District Sources & Uses;
- Staff Levels;
- Employee Compensation Assumptions;
- Personnel and Salary Resolution;
- Pay for Performance; and
- Next Steps.

A discussion ensued, and no action was taken as part of this workshop. In addition, staff will note the budget workshop questions and answers, to be provided to the Board Members as a handout at each upcoming committee meeting for the months of May and June 2018.

**17. Adjournment**

The meeting adjourned at 11:22 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Friday, May 25, 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