

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 25, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:00 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  
                               Al Murray  
                               Shawn Nelson  
                               Michelle Steel  
                               Gregory T. Winterbottom  
                               Adnan Maiah, Acting District Director  
   California Department of Transportation District 12

Directors Absent:     Laurie Davies  
                               Miguel Pulido  
                               Todd Spitzer  
                               Tom Tait

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

## **Special Calendar**

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

**1. Presentation of Resolutions of Appreciation for Employees of the Month for May 2018**

Darrell E. Johnson, Chief Executive Officer (CEO), presented the OCTA Resolutions of Appreciation Nos. 2018-067, 2018-068, and 2018-069 to Gary Tencate, Coach Operator, Jeffrey Denk, Maintenance, and Katherine Balanza, Administration, as Employees of the Month for May 2018.

**2. Recognition of the 2018 American Public Transportation Association Rodeo Team**

Darrell E. Johnson, CEO, presented the OCTA 2018 American Public Transportation Association (APTA) International Bus Rodeo maintenance team of Patrick Courchaine, Ray Consiglio, and Chris Jordan, and Coach Operator, Darvy Traylor.

Mr. Johnson, CEO, announced that the OCTA Rodeo team received second place in the 2018 APTA Grand Champion category. In addition, Mr. Johnson thanked OCTA staff Frank Amparan, Leonard Cruz, Vicky Vargas, and Frank Scholl for preparing the OCTA's Rodeo team for the 2018 APTA International Bus Rodeo.

Mr. Johnson, CEO, also introduced and recognized Rachel Li, an active member of OCTA's Teen Council since 2015. Ms. Li earned today's opportunity to job shadow the CEO through a Teen Council contest.

### **Consent Calendar (Items 3 through 17)**

**3. Approval of Minutes**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to approve of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of May 14, 2018.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

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

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to receive and file the third quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2017-18 Internal Audit Plan as an information item.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**5. Investigation and Limited Scope Review of Take-Home Vehicle Assignment**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to direct staff to implement four recommendations provided in the Investigation and Limited Scope Review of Take-Home Vehicle Assignment.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**6. State Legislative Status Report**

This item was pulled by Chairwoman Bartlett and public comments were heard from:

1. Mike Kraman, CEO for the Transportation Corridor Agencies (TCA), who stated that Orange County has benefited greatly from local initiatives, and a strong partnership between the OCTA, TCA, the County of Orange, and the California Department of Transportation (Caltrans) is needed to meet future transportation infrastructure demand challenges.

Mr. Kraman also stated that at the recent Legislative and Communications (L&C) Committee meeting, there were a high level of concerns that the TCA is encroaching on regional planning roles, which is not TCA's intent. In addition, Mr. Karman stated that the TCA is seeking public input to the process resulting in many of the ideas included in the report.

Mr. Kraman is aware that OCTA feels this process has taken too long, and ideas could or should have been dismissed much earlier. He noted that the TCA welcomes the opportunity to strengthen its partnership with OCTA.

Lastly, he stated that Assembly Bill (AB) 382 does not warrant a support position as the bill goes beyond clarifying planning roles and takes away capabilities from the TCA. In addition, he noted that the agencies need a strong partnership for the continuing benefit of Orange County.

**6. (Continued)**

2. Dan Bane, Attorney at Sheppard Mullin, stated that he specializes in land-use litigation and spoke at the last L&C Committee meeting. Mr. Banes also provided background on how the agencies got to this point, and explained the handout of the two maps provided to the Board of Directors (Board) at the dais.

Mr. Bane stated that AB 382 clarifies OCTA's and TCA's roles and responsibility. He also noted that in the City of San Clemente residents have been harmed as homes have fallen out of escrow because the TCA proposed where certain alignments of the State Route 241 would go. Lastly, Mr. Bane stated that AB 382 eliminates redundancies and reemphasizes that OCTA is the agency to lead the charge for regional mobility.

3. Michael Hadland, Chief of Staff for Assemblymember Rocky Chávez, commented that Assemblymember Chávez is the sponsor of AB 382. Mr. Hadland stated that AB 382 will solidify planning, eliminate redundancies that come with having two agencies performing the same basic duties, and not put any debt liability onto OCTA.

4. Mark McGuire, South Orange County resident, asked for support of AB 382, and provided background on the TCA's role. He stated that the TCA started to review south Orange County mobility ideas and most did not have anything to do with the toll road extension. In addition, he commented on the TCA's recent project idea for managed lanes on the Interstate 5 from the San Diego County line to the State Route 73.

Lastly, Mr. McGuire stated that the TCA wants to be a regional transportation authority and partner with Caltrans for a managed lanes system. He noted that the TCA's efforts are interfering with OCTA's role as the regional transportation authority, and the TCA wastefully spends tens of millions of dollars.

Chairwoman Bartlett stated that this item has two recommendations, the public comments were speaking to Recommendation A, and the votes for the two recommendations will be bifurcated.

For Recommendation B, a motion was made by Chairwoman Bartlett, seconded by Director Hennessey, and declared passed by those present, to:

- B. Adopt an OPPOSE position on AB 1912 (Rodriguez, D-Pomona), which would make member agencies of a joint powers authority jointly and severally liable for the retirement benefits provided by the joint powers authority.

Vice Chairman Shaw was not present to vote on Recommendation B.

**6. (Continued)**

A robust discussion ensued regarding Recommendation A and comments have been summarized by the following categories:

- AB 382 discussions were as follows:
  - Not good public policy;
  - Additional legislation is not needed from Sacramento as it impacts local control;
  - Suggestion to take a “watch” position instead of “support” position;
  - Does not impact TCA’s ability to operate, maintain, and finance its existing toll network;
  - Concerns should be resolved at the local level and not through legislation; and
  - Assembly Member Chávez authored AB 382 right now because the avoidance zone setup in 2016 changed everything. In addition, the 2016 decision did not include the input from OCTA, San Diego County, and key cities in south Orange County.
  
- TCA discussions were as follows:
  - During TCA’s public forum, the public submitted ideas and many were not within the TCA’s scope. The public was confused and thought they were also dealing with OCTA and not just TCA at the public forum, and thus the City of San Clemente residents feel that they are not being heard;
  - TCA has been working on a solution for approximately 20 years, and concerns that the TCA will not self-correct;
  - TCA’s role was to focus on toll roads and financing, and once that was done, TCA would dissolve;
  - Concerns that it would impact the TCA’s financial structure and it would restrict TCA from considering additional regional mobility solutions in south Orange County;
  - TCA derives its authority through an exercise of joint powers under the government code that allows the cities in Orange County and the County of Orange to assess a certain fee to be used for the construction of bridges and major thoroughfares;
  - The assumption is that TCA could decide to dissolve itself pursuant to the provisions provided under its joint powers agreement; otherwise, it would require statutory authority;
  - Explanation was provided on how elected officials or their designees are selected for the two TCA Boards; and
  - San Diego County has concerns about TCA’s proposed options.

**6. (Continued)**

- OCTA discussions were as follows:
  - There is a committee structure to discuss items and make thoughtful recommendations to the Board;
  - OCTA has comprehensive transportation planning authority;
  - Citizens in south Orange County are waiting for OCTA to do something and want answers;
  - Clarifies the local governance in Orange County by reinforcing OCTA's statutory planning authority;
  - OCTA finished the south Orange County major investment study in 2008, and the Board was provided an overview of the completed projects in south Orange County. Director Murray requested that the study be brought back to a future Board meeting; and
  - Split vote at the last L&C Committee meeting.
- Caltrans stated the following:
  - They have no position/comment on the bill; and
  - They continue to work with all sponsors of projects and has authority over the state highway system.

A motion was made by Director Nelson, seconded by Director Murray, and following a roll call vote, the below Recommendation A failed with a vote of 6-Ayes and 7-Nays.

- A. Adopt a SUPPORT position on AB 382 (Chávez, R-Oceanside), which seeks to clarify the responsibilities of the Transportation Corridor Agencies, as a joint powers authority, to be limited to the maintenance, financing, and operation of its toll road system as it exists in operation on January 1, 2018.

**7. Federal Legislative Status Report**

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

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**8. Amendment to Agreement for Bus Advertising Revenue Program**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-5-3076 between the Orange County Transportation Authority and Outfront Media Group, LLC, to exercise the first option term of the agreement, with a minimum guarantee of revenue to the Orange County Transportation Authority in the amount of \$8,000,000, or 70 percent of gross advertising sales revenue, whichever is greater.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**9. Orange County Taxi Administration Program Update**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to pursuant to AB 1069 (Chapter 753, Statutes of 2017), direct staff to make decisions needed to cease Orange County Transportation Authority administration of the Orange County Taxi Administration Program effective January 1, 2019 and communicate this action to Orange County Taxi Administration Program members.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**10. Third Quarter Fiscal Year 2017-2018 Procurement Status Report**

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

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**11. Agreement for Commercial Banking Services**

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

- A. Approve the selection of Bank of the West as the firm to provide commercial banking services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2159 between the Orange County Transportation Authority and Bank of the West, in the amount of \$277,000, for a five-year initial term effective September 1, 2018 through August 31, 2023, with one, three-year option term, to provide commercial banking services.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

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

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

- A. Authorize the Chief Executive Officer, or designee, to increase the Orange County Transportation Authority's random alcohol testing rate from 20 percent to 50 percent annually for all safety-sensitive employees in order to emulate the current testing rates for drugs (Manual Section 5.5G Policy Section VIIA).
- B. Authorize the Chief Executive Officer, or designee, to replace the obsolete table of drug testing thresholds (Manual Section 5.4), with "drugs or classes of drugs to be tested and the applicable threshold levels for positive findings shall be determined by current Department of Transportation and Federal Transit Administration regulations."
- C. Authorize the Chief Executive Officer, or designee, to make all necessary edits to ensure Attachment B (Disclosure of Prescription and Over-the-Counter Drugs form), prescription drug use physician review requirements (Manual Section 4.2A), are mandatory under Orange County Transportation Authority policy.
- D. Authorize the Chief Executive Officer, or designee, to change the requirement for drug and alcohol testing at the time of an employee's Department of Motor Vehicles medical recertification and/or physical examinations to implementing a biennial testing requirement and continuing with more proactive and stringent Department of Transportation random testing and prescription drug safeguard measures (Manual Section 5.5B, 5.5G, 6.2C, Attachment B, and Policy Section VIIA).
- E. Authorize the Chief Executive Officer, or designee, to remove the Facilities Maintenance Department from the list of regulated safety-sensitive positions (Manual Section 9), in compliance with the federal definition.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.



**13. Mobile Source Air Pollution Reduction Review Committee County Transportation Commission Partnership Program Recommendations**

This item was pulled by Director Winterbottom who stated that the grant from the Mobile Source Air Pollution Reduction Review Committee (MSRC) is a good example of staff leveraging funding.

Director Winterbottom reported on the programs that would receive the \$2 million MSRC grant as noted in the Staff Report, and thanked Ric Teano, Section Manager III – Grants Manager, for his support at the MSRC meetings.

Mr. Johnson, CEO, stated that OCTA is pleased with the MSRC funding opportunities and looks forward to implementing the three programs.

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

- A. Approve the use of \$2 million in Mobile Source Air Pollution Reduction Review Committee County Transportation Commission Partnership Program funding for:
  - The OC Flex Pilot Program for \$1.146 million,
  - The Hydrogen Detection Project for \$0.642 million,
  - A College Pass Program for \$0.212 million.
- B. 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.

Vice Chairman Shaw was not present to vote on this item.

**Orange County Transit District Consent Calendar Matters**

**14. Fleetwatch Fluid Management System, Internal Audit Report No. 18-506**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to direct staff to implement the recommendation provided in Fleetwatch Fluid Management System, Internal Audit Report No. 18-506.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**15. Sole Source Agreement for Fire Suppression and Methane Conversion Kits**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute sole source Blanket Purchase Order No. C-8-1506 between the Orange County Transportation Authority and Kidde Technologies, Inc., in the amount of \$355,575, for the purchase of up to 264 Kidde fire suppression/methane detection 12-channel conversion kits intended for the installation on the 2007-2008 model year New Flyer compressed natural gas-powered buses.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

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

**16. Agreements for Freeway Service Patrol Services**

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

- A. Approve the selection of California Coach Orange, Inc., to provide Freeway Service Patrol services for Service Areas 2, 4, and 9.
- B. Approve the selection of Beach Town Towing, LLC, doing business as Orange County Motor Club, to provide Freeway Service Patrol services for Service Area 7.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-2155 between the Orange County Transportation Authority and California Coach Orange, Inc., in the amount of \$13,785,532, to provide Freeway Service Patrol services for Service Areas 2, 4, and 9 from December 1, 2018 through November 30, 2023.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1620 between the Orange County Transportation Authority and Beach Town Towing, LLC, doing business as Orange County Motor Club, in the amount of \$3,146,425, to provide Freeway Service Patrol services for Service Area 7 from December 1, 2018 through November 30, 2023.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**17. Cooperative Agreement with the California Highway Patrol for Services Related to the Freeway Service Patrol Program**

A motion was made by Director Murray, seconded by Director Donchak, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-8-1553 between the Orange County Transportation Authority and the California Highway Patrol, in the amount of \$476,376, for overtime related to supervision of the Freeway Service Patrol program and to provide for a full-time non-uniformed Public Safety Dispatcher.

Vice Chairman Shaw and Director Nelson were not present to vote on this item.

**Regular Calendar**

There were no Regular Calendar matters.

**Discussion Items**

**18. Update on Interstate 5 Improvement Project from Interstate 405 to State Route 55**

Jeannie Lee, Program Manager, Capital Programs, provided a PowerPoint presentation for this item as follows:

- Project Limits and Area of Improvements;
- Comparison of Alternatives;
- Traffic Benefits;
- Public Noticing and Outreach; and
- Environmental Phase Schedule.

No action was taken on this information item.

**19. 91 Express Lanes Shifting Patterns with Riverside County Transportation Commission Expansion**

Darrell E. Johnson, CEO, provided opening comments and introduced Kirk Avila, General Manager of Express Lanes Programs, who provided a PowerPoint for this item as follows:

- Background;
- Riverside County Transportation Commission's (RCTC) Traffic Volumes Surpass Projections;
- OCTA's Traffic Volumes also Increase;
- OCTA's Growth Occurs after RCTC Opening;
- Comparison Between Agencies;
- Traffic Volume Change by Month/Direction;
- State Route (SR) 91 Mainline Changes in Orange County;
- Other Impacts to Operations; and
- Conclusions.

A discussion ensued regarding:

- After RCTC opened its express lanes, traffic volumes increased on OCTA's express lanes.
- OCTA's express lanes discussions were as follows:
  - Congestion management pricing is used.
  - Westbound lanes are not operating at capacity.
  - During peak hour's, eastbound lanes are at capacity and it would be beneficial to spread the traffic congestion and peak hours' time period.
  - The increased traffic volume is positive for revenue.
  - The excess toll revenues generated are spent in the 91 corridor.
- In June 2018, staff will present to the Board the 91 corridor implementation plan for Orange and Riverside counties.
- Measure M2 Projects I and J are improvements for the 91 corridor.
- Director Hennessey thanked Mr. Avila and Mr. Johnson, CEO, for an excellent job of managing the OCTA's 91 Express Lanes.
- At the June 1, 2018 SR-91 Advisory Committee meeting, RCTC will present its 91 corridor operation improvements.

No action was taken on this information item.

**20. 2018 Chief Executive Officer's Initiatives and Action Plan - First Quarter Progress Report**

Darrell E. Johnson, CEO, reported that, in conjunction with the Board's strategic initiatives and Chairwoman's action plan, eight of the ten CEO's initiatives and action plan milestones were achieved.

Mr. Johnson, CEO, also reported that the two areas missed are continuation to work with the federal staff for a full funding grant agreement for the OC Streetcar Project and a delay to August 2018 for the design completion on the Interstate 5 to Oso Parkway project.

No action was taken on this information item.

**21. Public Comments**

There were no public comments.

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

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

- Angels Express ridership is up 13 percent over last year at this time.
- Interstate 405 (I-405) Improvement Project:
  - Last night, OCTA hosted the second of six open houses in Long Beach.
- Project B – Interstate 5 from I-405 to SR-55:
  - Last night, OCTA hosted the first of two public hearings in the City of Tustin and had approximately 65 attendees.
- OCTA's "Play It Safe for Cyclists" video was recognized as a "Gold" winner at the international Telly Awards. The Telly Awards honor excellence in video and television across all screens, and congratulated staff that worked on this video.

**23. Directors' Reports**

Director Murray reported that on Sunday, June 3<sup>rd</sup>, the City of Tustin will celebrate its 34<sup>th</sup> Annual Street Fair and Chili Cook-off, and all are invited to attend.

Director Winterbottom announced that the Angels Express received approximately \$500,000 of MSRC funding for the service.

**24. Closed Session**

A Closed Session was held pursuant to Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation. One Matter.

James Donich, General Counsel, reported out from the Closed Session that a motion was made by Director Nelson, seconded by Director Murray, and declared passed by those present, to grant authorization for General Counsel to initiate litigation in “One Matter”, and the defendants, in particular, shall be disclosed upon inquiring once the action has formally commenced.

**25. Adjournment**

The meeting adjourned at 10:49 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 11, 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