

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 August 27, 2018 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairwoman Bartlett at 9:03 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  
Al Murray  
Shawn Nelson  
Miguel Pulido  
Todd Spitzer  
Michelle Steel  
Tom Tait  
Gregory T. Winterbottom

Directors Absent: Richard Murphy  
Gerardo De Santos, Acting District Director  
California Department of Transportation District 12

Also Present: Darrell E. Johnson, Chief Executive Officer  
Kenneth 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 August 2018**

Darrell E. Johnson, Chief Executive Officer (CEO), presented the OCTA Resolutions of Appreciation Nos. 2018-117, 2018-118, and 2018-119 to Heidi Johnson, Coach Operator; Rogelio Gutierrez, Maintenance; and Kriss Garbowski, Administration, as Employees of the Month for August 2018.

**2. Presentation of the 2018 Early Career Academy**

Darrell E. Johnson, CEO, provided background information on the Early Career Academy program and introduced the 2018 participants as follows:

- Christina Pirruccello, Associate Community Relations Specialist, External Affairs
- Denise Arriaga, Associate Transportation Funding Analyst, Planning
- Jacqueline Mood, Digital Marketing Specialist, External Affairs
- Jaymal Patel, Associate Government Relations Representative, External Affairs
- Luis Martinez, Associate Contract Administrator, Finance and Administration
- Leslie Tuiteleleapaga, Assistant Office Specialist, Operations
- Megan Abba, Associate Media Relations Specialist, Executive Office
- Megan Bornman, Associate Contract Administrator, Finance and Administration
- Michael Le, Contract Administrator, Finance and Administration
- Sam Sharvini, Associate Transportation Analyst, Planning
- Stephanie Chhan, Associate Project Management Analyst, Planning
- Rosa Guillen-Sanchez, Transportation Analyst, Operations (not present)

## **Consent Calendar (Items 3 through 13)**

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

#### **3. Approval of Minutes**

A motion was made by Director Donchak, seconded by Director Murray, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of August 13, 2018.

Director Nelson was not present to vote on this item.

#### **4. Approval of Board Members Travel**

Director Hennessey pulled this item, provided comments, and offered as the Legislative and Communications (L&C) Committee Vice Chairman, to also travel to Washington, D.C., and attend the interviews in order to have L&C Committee representation (along with Chairwoman Bartlett, Director Do, and OCTA staff.)

Director Spitzer inquired if the Levine Act pertained to this item. James Donich, General Counsel, stated that the Levine Act would pertain to this item if a Board Member received campaign contributions in excess of \$250 dollars.

A discussion ensued as follows:

- On August 13, 2018, the Board Members that would travel for this item received the proposals.
- The Contracts Administration & Materials Management Department typically will notify the Board Members of potential Levine Act issues.
- The firms that submitted a proposal for this item's Request for Proposals 8-1750 are Akin Gump, Cassidy & Associates, Potomac Partners, Squire Patton Boggs, and Van Scoyoc.
- Chairwoman Bartlett refunded campaign contributions to one firm in an excess of \$250 dollars.
- The Board Members determine if there is a Levine Act conflict.

A motion was made by Director Murray, seconded by Director Winterbottom, and declared passed by those present, to approve for Orange County Transportation Authority Chairwoman Lisa A. Bartlett, Director Andrew Do, and Director Michael Hennessey to travel to Washington, D.C., September 17-19, 2018, along with the Orange County Transportation Authority staff, as part of the proposal team for the Federal Legislative Advocacy and Consulting Services, Request for Proposals 8-1750.

Director Spitzer voted in opposition.

Director Nelson was not present to vote on this item.

**5. Draft Fiscal Year 2018-19 Internal Audit Plan**

Finance and Administration (F&A) Committee Chairman Do pulled this item, provided comments, and stated this direct to the Board item is coming forward because the August 22, 2018 F&A Committee meeting was cancelled due to lack of quorum.

F&A Committee Chairman Do and his staff discussed this item's work plan with Janet Sutter, Executive Director of External Affairs, and he supports the recommendations.

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

- A. Approve the Draft Fiscal Year 2018-19 Internal Audit Plan.
- B. Direct the Executive Director of Internal Audit to provide quarterly updates on the Fiscal Year 2018-19 Internal Audit Plan.

Director Nelson was not present to vote on this item.

**6. Federal Legislative Status Report**

A motion was made by Director Donchak, seconded by Director Murray, 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. Sole Source Agreement for Third-Party Hosting and Installation of the Counterpoint Point of Sale Application**

A motion was made by Director Donchak, seconded by Director Murray, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-8-1844 between the Orange County Transportation Authority and Computer SOS, in the amount of \$37,921, to host the Counterpoint application and provide set-up, hosting, licensing, and server support services.

Director Nelson was not present to vote on this item.

**8. 2018 Title VI Plan Triennial Report**

Director Do pulled this item, noted some of the report's ethnic statistics, and asked the Board to consider ethnic diversity and personal background (e.g., familiar with OCTA's transit system) for their appointments on the Citizens Advisory Committee.

A discussion ensued to provide a different outreach approach and Board Members outreach is also important.

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

- A. Review, approve, and direct staff to submit the 2018 Title VI Plan Triennial Report to the Federal Transit Administration's Regional Office of Civil Rights on or before October 1, 2018.
- B. Review and approve the results of the Service Standards and Policies monitoring in Section 5 of the 2018 Title VI Plan Triennial Report.

Director Nelson was not present to vote on this item.

**9. Excess Workers' Compensation Insurance Policy**

A motion was made by Director Donchak, seconded by Director Murray, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A40164, in the amount of \$500,000, to Marsh Risk and Insurance Services, Inc., to purchase excess workers' compensation insurance on behalf of the Orange County Transportation Authority for the policy period of October 1, 2018 to October 1, 2019.

Director Nelson was not present to vote on this item.

**10. Amendment to Agreement for Temporary Staffing Services**

This item was continued by staff to the September 12, 2018 Finance and Administration Committee and September 24, 2018 Board meetings.

**11. Agreements for Health Insurance Services**

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

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3649 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Kaiser Permanente Health Plan, Inc., on a cost per employee basis, for prepaid medical services through December 31, 2019. The annual 2019 Kaiser Permanente Health Plan, Inc. premium cost will vary in accordance with actual enrollment.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3650 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Anthem Blue Cross, on a cost per employee basis, for prepaid medical services through December 31, 2019. The annual 2019 Anthem Blue Cross health maintenance organization premium costs will vary in accordance with actual enrollment.
- C. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3651 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Anthem Blue Cross, on a cost per employee basis, for preferred provider organization medical services through December 31, 2019. The annual 2019 Anthem Blue Cross preferred provider organization premium costs will vary in accordance with actual enrollment.
- D. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-5-3652 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Anthem Blue Cross, on a cost per employee basis, for a consumer driven health plan through December 31, 2019. The annual 2019 Anthem Blue Cross consumer driven health plan premium costs and health savings account expenses will vary in accordance with actual enrollment.

**11. (Continued)**

- E. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-1-2996 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Delta Dental, on a cost per employee basis, for preferred provider organization dental services through December 31, 2019. The annual 2019 Delta Dental preferred provider organization premium costs will vary in accordance with actual enrollment.
- F. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-1-2995 between the Orange County Transportation Authority and Delta Dental, on a cost per employee basis, for health maintenance organization dental services through December 31, 2019. The annual 2019 Delta Dental health maintenance organization premium costs will vary in accordance with actual enrollment.
- G. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1869 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Delta Dental, on a cost per employee basis, for health maintenance organization dental services through December 31, 2019. The annual 2019 Delta Dental health maintenance organization premium costs will vary in accordance with actual enrollment.
- H. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 6 to Agreement No. C-1-2997 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for Vision Service Plan, on a cost per employee basis, for vision services through December 31, 2019. The annual 2019 vision services premium costs will vary in accordance with actual enrollment.
- I. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Purchase Order No. C-7-1897 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for VOYA for life and accidental death and dismemberment insurance through December 31, 2019. The annual 2019 life and accidental death and dismemberment premium costs will vary in accordance with actual volume in the plan.

**11. (Continued)**

- J. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Purchase Order No. C-7-1898 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for VOYA to provide supplemental life insurance to employees at their own expense through December 31, 2019.
- K. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Purchase Order No. C-7-1899 between the Orange County Transportation Authority and California State Association of Counties - Excess Insurance Authority for VOYA for short-term and long-term disability insurance through December 31, 2019. The annual 2019 short-term and long-term disability premium costs will vary in accordance with actual volume in the plan.
- L. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Purchase Order No. C-7-1900 between Orange County Transportation Authority and California State Association of Counties - Excess Insurance Activity for VOYA with Compsych to provide employee leave administration through December 31, 2019.

Director Nelson was not present to vote on this item.

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

**12. Consultant Selection for Program Management Consultant Services for Regional Rail Programs**

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

- A. Approve the selection of HDR Engineering, Inc., as the firm to provide program management consultant services for regional rail programs.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1512 between the Orange County Transportation Authority and HDR Engineering, Inc., for a term of five years, with one, two-year option term, to provide program management consultant services for regional rail programs.

Director Nelson was not present to vote on this item.



**13. Approval to Release Invitation for Bids for Construction of the Laguna Niguel to San Juan Capistrano Passing Siding Project**

The original motion was made by Director Donchak, seconded by Director Murray, and declared passed by those present, to approve the release of Invitation for Bids 7-2018 for construction of the Laguna Niguel to San Juan Capistrano Passing Siding project.

Director Nelson was not present to vote on this item.

Chairwoman Bartlett made a motion to re-open this item, seconded by Vice Chairman Shaw, and with consensus from the Board this item was re-opened.

Directors Hennessey and Nelson were not present.

Chairwoman Bartlett stated the following:

- Concerns with the Disadvantaged Business Enterprise (DBE) requirements for bid submissions.
- When OCTA indicates deadlines for each form, use exhibit numbering in addition to the form name.
- OCTA needs to be very specific with the DBE bids submission requirements.
- Add a cover sheet, similar to the California Department of Transportation, and include on the cover sheet the following:
  - Specific scope of work
  - Subcontractor bid amount
  - Signature
  - Signators name and title
- OCTA's pre-bid workshop needs to cover, in detail, the DBE submission requirements. In addition, clarify what is required to have a successful "Good Faith Effort" for the DBE percentage threshold minimums and clearly identified.
- There have been some recent DBE procurement issues, and the noted directives will clarify OCTA's requirements.

A discussion ensued regarding:

- Move forward with this project.
- Darrell E. Johnson, CEO, stated the following:
  - The Board asked for a review of the DBE program through the F&A Committee, and the discussion is scheduled for October.
  - If there are DBE changes to be made, to have a thoughtful process.
  - To delay this item, there are concerns about the funding plan and costs.

**13. (Continued)**

- Every three years, the Federal Transit Administration (FTA) reviews the DBE program with OCTA, and for the last six years the FTA had no findings.
  - Mr. Johnson confirmed there are no financial implications if this item is delayed for a short period of time.
  - OCTA recently received the National Procurement Institute Excellence in Procurement Award.
- Chairwoman Bartlett does not want to rush potential changes to the DBE program and agreed to go forward with this item.

A motion was made by Chairwoman Bartlett, seconded by Director Davies, and declared passed by those present, to approve the release of Invitation for Bids 7-2018 for construction of the Laguna Niguel to San Juan Capistrano Passing Siding project.

Directors Nelson and Steel were not present to vote.

**Regular Calendar**

**Orange County Transportation Authority Regular Calendar Matters**

**14. OC Streetcar Vehicle Exterior Design**

Darrell E. Johnson, CEO, provided opening comments and introduced Stella Lin, Manager of Marketing and Customer Engagement, who provided a PowerPoint presentation for this item as follows:

- OC Bus and Bravo! Branding;
- OC Streetcar Vehicle Model, Vehicle Layout;
- Transit Agencies Examples of Streetcar Designs;
- OC Streetcar Exterior Design Considerations – Designs 1, 2, 3, and 4 Without and With Advertising;
- OC Streetcar Exterior Design Considerations – Designs 1, 2, 3, and 4 Without and With Advertising – Includes Stop and Location Setting;
- OC Streetcar – All Designs Without and With Advertising; and
- Next Steps.

A discussion ensued regarding:

- The Transit and L&C Committees consensus is as follows:
  - Design 1 would have high maintenance costs
  - Visibility and maintenance are key issues
  - White vehicle would have higher maintenance costs

**14. (Continued)**

- Director Tait noted for the record, his continued objection to the OC Streetcar Project and this items designs.

A motion was made by Director Murray, seconded by Director Davies, and declared passed by those present, to authorize staff to conduct public outreach to seek feedback and return to the Board of Directors with a recommendation.

Directors Spitzer and Tait voted in opposition.

Directors Nelson and Steel were not present to vote.

**Discussion Items**

**15. Attitudinal and Awareness Survey Results**

Darrell E. Johnson, CEO, provided opening comments and introduced Timothy McLarney, PhD, President of True North Research, who provided a PowerPoint presentation for this item as follows:

- Purpose of the Study;
- Methodology of Study;
- Most Important Issues;
- Comparison of Issues;
- Awareness of OCTA;
- Overall Opinion of OCTA;
- Statements about OCTA;
- Long-Range Transportation Plan Priorities;
- Carpool Lane Strategies; and
- Key Findings.

A discussion ensued regarding:

- The survey is consistent with statewide responses.
- Vice Chairman Shaw requested geographically the opinion of OCTA.
- The “Overall Opinion of OCTA” is based on whether or not the responder uses services provided by OCTA.
- Lack of consensus with carpool lanes strategies.
- The public is unclear with distinguishing between managed lanes, express lanes, toll roads, toll lanes, high-occupancy vehicle lanes, and high-occupancy toll lanes.
- The Long-Range Transportation Plan priorities subgroups could be analyzed, and Director Donchak is interested in the “fix potholes and repair roadways” priority analysis.

**15. (Continued)**

- Once the full report is completed, it will be posted to the OCTA website.
- Opportunities to communicate OCTA's message to the public through various communication channels.

**16. Public Comments**

A public comment was heard from:

Patrick Kelly, Teamsters Local 952 (Teamsters), who thanked the Board for its public service, as well as thanked the union and non-union OCTA employees.

Mr. Kelly stated that Teamsters is against Proposition 6 and encouraged people to register to vote and participate in voting. He also stated that all need to protect what we have in Orange County and California, make sure infrastructure moves forward, and jobs are protected.

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

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

- Interstate 405 Improvement Project:
  - Over the weekend, the McFadden Avenue bridge demolition was completed.
  - The Slater Avenue bridge is anticipated to take place in mid-September.
- OCTA's annual Rodeo will be held on Saturday, September 15, 8:00 a.m., at the Santa Ana Base. The Board Members are invited to participate in the Executive competition, and the practice sessions are available on Wednesday, September 5, and Thursday, September 6.
- Director Tait was acknowledged for rescuing a youth from drowning off the coast of Laguna Beach.

**18. Directors' Reports**

Director Murray stated that he and Director Spitzer started the Orange County drowning awareness program, and acknowledged Director Tait for rescuing the youth from drowning.

Director Hennessey echoed the acknowledgements and complimented Director Tait for saving the youth from drowning.

**19. Closed Session**

A Closed Session was held as follows:

Pursuant to Government Code Section 54957 – Threat to Public Services or Facilities – Consultation with Authority General Counsel.

There was no report out for the Closed Session item.

Directors Pulido, Spitzer, and Steel were not present for the Closed Session item.

**20. Adjournment**

The meeting adjourned at 10:16 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, September 10, 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