

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 December 10, 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
 Michael Hennessey
 Gene Hernandez
 Steve Jones
 Jose F. Moreno
 Joe Muller
 Richard Murphy
 Shawn Nelson
 Miguel Pulido
 Todd Spitzer
 Gregory T. Winterbottom
 Gerardo De Santos, Acting District Director
 California Department of Transportation District 12

Directors Absent: Mark A. Murphy
 Michelle Steel

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. Administration of the Oath of Office to New Orange County Transportation Authority Board of Directors

James Donich, General Counsel, administered the Oaths of Office to the new Board of Directors (Board) Gene Hernandez, Jose F. Moreno, and Joe Muller.

2. Presentation of Resolutions of Appreciation for Employees of the Month for December 2018

Darrell E. Johnson, Chief Executive Officer (CEO), presented OCTA Resolutions of Appreciation Nos. 2018-167, 2018-168, and 2018-169 to Antonio Alvarez, Coach Operator, Maichou Aparicio, Maintenance, and Megan LeMaster, Administration, as Employees of the Month for December 2018.

3. Salute to Outgoing Orange County Transportation Authority Board of Directors

Darrell E. Johnson, CEO, presented OCTA Resolutions of Appreciation Nos. 2018-159 and 2018-160 to outgoing Board Members Shawn Nelson and Todd Spitzer.

Director Winterbottom acknowledged that in 2013 Director Nelson did a great job of filling for him as Chairman while he was not available for a Board meeting.

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

James Donich, General Counsel, opened with comments about the proposed Resolutions of Necessity (RONs) and 12 affirmative votes are needed to pass this item.

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

- I-405 Improvement Project RON Locations;
- RON No. 2018-164 – Hospitality Properties Trust;
- RON No. 2018-165 – California Department of Transportation (Caltrans) Perlin Development & Engineering Corporation (Perlin);
- RON No. 2018-166 – G6 Hospitality Property; and
- Four Requirements to be Considered to Adopt Resolutions.

4. (Continued)

A discussion ensued regarding:

- For RON 2018-165, on “Slide 8” of the PowerPoint, the large “green” non-exclusive temporary easement is to reconstruct the driveway, and no equipment will be stored in that area.
- For RON 2018-166, on “Slide 9” of the PowerPoint, the “Partial Fee Interest Area” is for the widening of Westminster Boulevard and includes a new sidewalk and reconstruction of the driveway.

Chairwoman Bartlett opened the floor for public comments, and a public comment was heard from Michael Keho, Attorney representing Perlin for RON 2018-165, who stated the following:

- Perlin is a holder of the ground lease area with Caltrans.
- This morning, a letter of objection from Perlin was provided to the Board.
- The required steps have not been appropriately taken as it concerns Perlin’s interest in the property and the steps were highlighted.
- Perlin did not receive a written offer from OCTA about compensation and acquisition of its interests. The written offer was only provided to Caltrans.
- There are multi-million impacts to the ground lease interests with this property.
- Perlin did not receive a written notice about today’s hearing.
- The appraisal provided to Caltrans does not consider what is within the property-take versus the language stated in the RON.
- The property appraisal needs assessment was highlighted.
- Perlin requested an administrative review, written offer for the condemnation of its interests, and to provide Perlin \$5,000 to have its own appraisal of the property interests.

Gary Weisberg, Attorney, OCTA General Counsel Office, stated that the law requires the notice be provided to the property owner of record, which is Caltrans. Additionally, he stated that Caltrans was provided a notice of this hearing, Perlin entered a ground lease with Caltrans 40 years ago, and Perlin’s rights are dictated by the ground lease.

Mr. Weisberg also highlighted how the compensation is handled, and the \$5,000 appraisal reimbursement is provided to the property owner of record. He concluded that OCTA staff followed all requirements under the law for the Board to consider and adopt the RON.

4. (Continued)

A discussion ensued regarding RON 2018-165:

- The lease dictates the relationship between Caltrans and Perlin as the ground tenant.
- Caltrans, as the landlord, has certain obligations and requirements towards its tenant, and the tenant has relinquished certain rights with respect to use of the property.
- Caltrans notified Perlin of today's hearing.
- Clarification that this is not excess property and is classified by Caltrans as operating right-of-way.
- Caltrans has no dispute and followed the required process.

A motion was made by Director Nelson, seconded by Director Hennessey, and declared passed by those present, to close the public hearing. Director Pulido was not present to vote.

A motion was made by Director Winterbottom, seconded by Director Do, and declared passed by those present, to adopt Resolution of Necessity Nos. 2018-164, 2018-165, and 2018-166, and authorize and direct General Counsel to prepare, commence, and prosecute proceedings 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.

Director Pulido was not present to vote.

Consent Calendar (Items 5 through 16)

Orange County Transportation Authority Consent Calendar Matters

5. Approval of Minutes

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

Directors Hernandez, Moreno, and Muller abstained as newly sworn in Board Members.

Directors Davies, Do, and Pulido were not present to vote on this item.

6. Proposed 2019 Board of Directors Meetings Calendar

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies 2019 Board of Directors meetings calendar.

Directors Davies, Do, and Pulido were not present to vote on this item.

7. Active Transportation Program Local Project Prioritization

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the additional points assigned to the Orange County 2019 Active Transportation Program projects, consistent with the Orange County Transportation Authority-adopted Active Transportation Program project prioritization and submittal to the Southern California Association of Governments.
- B. Authorize the Chief Executive Officer to approve future scope changes, substitutions, and additions to the final recommended project list.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate the above actions.

Directors Davies, Do, and Pulido were not present to vote on this item.

8. Orange County Transportation Authority State and Federal Grant Programs Update and Recommendations

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve delay requests for four projects from the cities of Huntington Beach, Santa Ana, Tustin, and the County of Orange.
- B. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program and execute any required agreements or amendments to facilitate the recommendations above.

Directors Davies, Do, and Pulido were not present to vote on this item.

9. 2019 Technical Steering Committee Membership

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to approve the proposed 2019 Technical Steering Committee membership.

Directors Davies, Do, and Pulido were not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

10. Capital Programs Division - First Quarter Fiscal Year 2018-19 Capital Action Plan Performance Metrics

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

Directors Davies, Do, and Pulido were not present to vote on this item.

11. Contract Change Order for Additional Design and Construction Efforts for the Interstate 405 Improvement Project Between State Route 73 and Interstate 605

Director Hennessey pulled this item and asked about the \$50,000 savings and the City of Fountain Valley (City) water lines pre-existing use.

Jeff Mills, Program Manager for the I-405 Improvement Project, stated that the City's water lines were old, and due to the City's prior rights, OCTA is required to pay for the relocation of the water lines.

11. (Continued)

Mr. Mills also reported that the City agreed to compensate OCTA \$750,000 to relocate the water lines into the new bridge overcrossings, and OCTA agreed to pay \$50,000, which is an offset savings to the I-405 Improvement Project.

A motion was made by Director Hennessey, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 17 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$800,000, for additional design and construction efforts related to the relocation of City of Fountain Valley water lines into new bridge overcrossings at Brookhurst Street, Bushard Street, Magnolia Street, and Ward Street.

Director Pulido was not present to vote on this item.

12. Agreement with Grand Jurors Association of Orange County for Recruitment Services for Measure M2 Taxpayer Oversight Committee

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-8-2079 between the Orange County Transportation Authority and the Grand Jurors Association of Orange County, in the amount of \$47,500, for managing the annual Taxpayer Oversight Committee recruitment process through June 30, 2023.

Directors Davies, Do, and Pulido were not present to vote on this item.

13. Measure M2 Quarterly Progress Report for the Period of July 2018 Through September 2018

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

Directors Davies, Do, and Pulido were not present to vote on this item.

14. Measure M2 Freeway Environmental Mitigation Program Update

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

Directors Davies, Do, and Pulido were not present to vote on this item.

15. Fiscal Year 2018-19 Measure M2 Annual Eligibility Review

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to approve all local jurisdictions as conditionally eligible for Measure M2 net revenues for the fiscal year 2018-19, and direct staff to return with final eligibility findings for local jurisdictions, pending the adoption and submittal of the fiscal year 2017-18 expenditure reports by local jurisdictions.

Directors Davies, Do, and Pulido were not present to vote on this item.

16. Comprehensive Transportation Funding Programs Semi-Annual Review - September 2018

A motion was made by Director Nelson, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve adjustments to the Comprehensive Transportation Funding Programs projects and Local Fair Share funds.
- B. Authorize the Chief Executive Officer, or his designee, to negotiate and execute a cooperative agreement between the Orange County Transportation Authority and the City of San Clemente in support of the Americans with Disabilities Act complementary services component of the City of San Clemente's Rideshare Services-Beta Test Program, in an amount not to exceed \$900,000.
- C. Cancel the programming of \$1,649,700 in 2018 Measure M2 Project V funds for the City of San Clemente's Rideshare Services-Beta Test Program.

Directors Davies, Do, and Pulido were not present to vote on this item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

17. OC Active: Project Update

Darrell E. Johnson, CEO, provided opening comments and introduced Paul Martin, Active Transportation Coordinator, who provided a PowerPoint presentation for this item as follows:

- Project Goals;
- Community Engagement;
- Pedestrian Analysis;
- Bikeway Analysis;
- Tools for Local Success; and
- Next Steps.

A discussion ensued regarding:

- Staff was thanked for all the OC Active efforts.
- The heat maps have been distributed to the agencies engineering and planning staff.
- In the last five years, approximately 90 million has been invested into active transportation.
- Director Davies requested each District be provided each of the cities heat map.
- In early 2019, the OC Active plan will be finalized.
- Staff is aware of Director Do's discussions to use the Pacific Electric right-of-way and flood channels for active mobility.
- Director Do expressed his disappointment of not being given the opportunity to provide input for his Supervisorial District about the diverse community's perspectives. He invited OCTA to discuss with him the review done, committees' representatives, and OCTA's outreach to the diverse communities. Additionally, he highlighted how CalOptima conducted an assessment.
- Director Moreno requested to join Director Do's meeting with staff.
- OCTA's outreach to the schools, libraries, and community centers was highlighted. In addition, a survey was distributed by zip code to what the State considers a disadvantage community.

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

Discussion Items

18. 2018 Chief Executive Officer Initiatives and Action Plan - Third Quarter Report

Darrell E. Johnson, CEO, reported the third quarter 2018 CEO's initiatives and action plan.

No action was taken on this information item.

19. Public Comments

There were no public comments.

20. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported:

State Route 91 Improvement Project:

- Tomorrow night, OCTA will host a public hearing from 5:30 p.m. to 7:30 p.m. at the Rio Vista Elementary School in Anaheim.
- Currently, the project is in the environmental phase.
- Staff will be present at the public hearing to provide project information and answer any questions.

Stuff-A-Bus Toy Drive:

- On Friday, December 14th, OCTA will host the 26th Annual Stuff-A-Bus Toy Drive, in partnership with ABC7 and Southern California firefighters, at the Honda Center in Anaheim.
- OCTA staff will be at the Honda Center from 4:30 a.m. to 6:30 p.m., and the Board is welcome to attend the toy drive.

New Year's Eve Free Bus Service:

- For the 17th year in a row, OCTA will offer free bus rides on New Year's Eve from 6:00 p.m. to 2:30 a.m.
- After Christmas, OCTA will provide a marketing campaign to promote the free service.

Happy Holidays:

- This is OCTA's final 2018 Board meeting, and everyone was wished a very happy and safe holiday season.
- The Board was thanked for its leadership and guidance over 2018.

21. Directors' Reports

Director Davies reported that she attended the recent Women's Transportation Seminar (WTS) - Orange County awards gala. Director Davies congratulated Chairwoman Bartlett for the WTS Woman of the Year award, and OCTA for the WTS innovation of the year award.

Director Davies also reported that she is working with OCTA staff in regard to the OC Flex service and outreach to the school districts in order to encourage using the service during the winter break.

Director Hernandez thanked OCTA staff for the thorough new Board Member orientation, as well as thanked the Clerk of the Board for the orientation materials.

Vice Chairman Shaw welcomed new Directors Hernandez, Moreno, and Muller. He also thanked Directors Nelson and Spitzer for their great leadership on OCTA's Board. Additionally, he thanked Director Nelson, as a Board of Supervisor, for representing the City of La Habra in the Fourth District.

Director Delgleize thanked Directors Nelson and Spitzer for their leadership on the OCTA Board. Additionally, Director Delgleize reported that she, along with Huntington Beach Council Member and city/OCTA staff, recently took an excellent ride on the OC Flex. She asked OCTA to continue marketing the service especially during the Holiday season.

Director Hennessey thanked Directors Nelson and Spitzer for serving on the Board. Additionally, he welcomed the new Directors Hernandez, Moreno, and Muller, as well as thanked Chairwoman Bartlett for her leadership on the Board.

Chairwoman Bartlett congratulated and welcomed new Directors Hernandez, Moreno, and Muller, as well as thanked outgoing Directors Nelson and Spitzer for their years of service on the Board.

Chairwoman Bartlett announced that this is the last 2018 Board meeting and expressed her gratitude to have served as the Chairwoman of the Board. Additionally, she wished everyone a joyous Holiday season and Happy New Year, as well as thanked OCTA staff for all the great work throughout the year.

22. Closed Session

There was no Closed Session scheduled.

23. Adjournment

The meeting adjourned at 10:34 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, January 14, 2019**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Lisa A. Bartlett
OCTA Chairwoman