

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 March 25, 2019 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Shaw at 9:01 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:     Tim Shaw, Chairman  
                               Steve Jones, Vice Chairman  
                               Lisa A. Bartlett  
                               Doug Chaffee  
                               Laurie Davies  
                               Barbara Delgleize  
                               Andrew Do  
                               Michael Hennessey  
                               Gene Hernandez  
                               Jose F. Moreno  
                               Mark A. Murphy  
                               Richard Murphy  
                               Miguel Pulido  
                               Michelle Steel  
                               Ryan Chamberlain, District Director  
   California Department of Transportation District 12

Directors Absent:     Joe Muller  
                               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**

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

**1. Presentation of Resolutions of Appreciation for Employees of the Month for March 2019**

Darrell E. Johnson, Chief Executive Officer (CEO), presented the OCTA Resolutions of Appreciation Nos. 2019-023, 2019-024, and 2019-025 to Carlos Aguilar, Coach Operator; Ly Tran, Maintenance; and Nhatran Do, Administration, as Employees of the Month for March 2019.

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

**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 about the proposed Resolutions of Necessity (RON) and stated that 12 affirmative votes are needed to pass the RONs.

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. 2019-004 – In-N-Out Burger;
- RON No. 2019-005 – Southern California Edison Company;
- RON No. 2019-013 – Thrifty Oil Company;
- RON No. 2019-020 – 18349 Euclid Street, LLC; and
- Four Requirements to be Considered to Adopt Resolutions.

Chairman Shaw opened the floor for public comments, and a comment was heard from Kevin Day, Attorney, representing RON No. 2019-020.

Mr. Day stated that the unique property impacts are not included in the offer letter and materials in today's Board of Directors (Board) agenda packet. Mr. Day provided objections to the four-year Temporary Construction Easement (TCE), and stated that the document does not indicate what rights the property retains during the two years OCTA is not using the TCE.

Mr. Day also stated the property will lose 11 parking stalls on the southside of the property, and there are concerns about cars getting around the building of the TCE-fenced area to access the back parking lot. In addition, Mr. Day provided concerns about the offer amount, etcetera, and asked the Board for additional negotiation time or to either defer or oppose RON No. 2019-020.

**2. (Continued)**

Gary Weisberg, OCTA's General Counsel's Office, stated that the compensation amount is established in court and is not a process followed for today's hearing. Mr. Weisberg highlighted how the property was appraised which includes costs to remediate, and a mitigation parking plan was considered for impacts during construction.

A motion was made by Chairman Shaw, seconded by Director Hernandez, and declared passed by those present, to close the public hearing.

A discussion ensued regarding RON No. 2019-020 as follows:

- The TCE does encroach upon the driveway; however, a mitigation plan was included as part of the offer.
- Director Do requested staff review if the TCE can be carved out by the corner of the building for access to the back parking lot or use as an exit from the back parking lot.
- Director Hernandez asked to consider placing a mirror in the area of the TCE by the corner of the building.
- As OCTA goes forward with negotiations, the Board Members suggestions will be considered.
- The vacant land and parking lot does give the property value and would be considered in subsequent steps after today's Board action.
- Mr. Weisberg expressed that the appraisal approach was credible with a valid offer.

Mr. Johnson, CEO, reported that the project is on schedule, 88 percent of the properties have been delivered without using a RON, and if a decision is not made today, the project schedule and costs would be impacted.

A discussion ensued regarding RON No. 2019-004 as follows:

- For In-N-Out Burger, the drive-through circulation is always maintained. OCTA is working with the property owner to understand the closed business hours and the construction work would be performed during off hours.
- This TCE is considered non-exclusive and there are certain times of the day that OCTA can be on-and-off the property.
- The property owner is relieved of liability during construction.

A motion was made by Director Pulido, seconded by Director Hernandez, and declared passed by those present, to adopt Resolution of Necessity Nos. 2019-004, 2019-005, 2019-013, and 2019-020, 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.

## **Consent Calendar (Items 3 through 14)**

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

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

This item was pulled, and a public comment was heard from Mehdi Sarreshtedari, Affordable Taxi, who referenced, in this item's Board meeting minutes, Consent Calendar Item 2, Orange County Taxi Administration Program (OCTAP) Permit Fees, as well as mentioned the handout provided to the Board at the dais regarding his Notice of Appeal.

Mr. Sarreshtedari stated that the Board-approved fees are excessive, unfair, and impose undo financial hardship to renew his permit. He also stated why Affordable Taxi should not be penalized.

James Donich, OCTA General Counsel, stated that the OCTAP permit fees were agendized for the meetings of the February 4, 2019 OCTAP Steering Committee, March 4, 2019 Executive Committee, and March 11, 2019 OCTA Board, and Mr. Sarreshtedari did not voice his concerns at any of those Brown Act meetings.

Chairman Shaw requested that staff follow-up with Mr. Sarreshtedari to address his concerns.

A discussion ensued regarding:

- The Notice of Appeal is not a valid process, and Mr. Sarreshtedari could go to the OCTAP Steering Committee for consideration of his concerns.
- If this Board wants to readdress the March 11, 2019 Board-approved action, it can agendized for reconsideration.

A motion was made by Director Hernandez, 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 11, 2019.

Director Moreno abstained from this item due to not being present at the March 11, 2019 Board of Directors meeting.

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

**4. Orange County Transportation Authority Internal Audit Department Peer Review**

Director Hennessey pulled this item, provided comments about the triennial external peer review of the Internal Audit Department, reported that he met with the peer auditors, and asked one of the peer auditors to report on the audit at the recent Finance and Administration Committee meeting.

A motion was made by Director Hennessey, seconded by Director Do, and declared passed by those present, to direct the Internal Audit Department to implement the suggestions provided by the Association of Local Government Auditors in a letter dated February 7, 2019.

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

**5. State Legislative Status Report**

Director Bartlett pulled this item and expressed appreciation that OCTA is taking a strong opposed position to this item's Recommendations C and D. Director Bartlett stated that at the recent Legislative and Communications Committee meeting, she inquired if OCTA had highway funds going into active transportation could those funds back fill OCTA's highway funding, and staff answered probably not.

Director Bartlett provided additional comments about Senate Bill (SB) 127 and SB 526 and asked OCTA to remain diligent about the opposed position.

A motion was made by Director Bartlett, seconded by Director Davies, and declared passed by those present, to:

- A. Amend the 2019-20 Orange County Transportation Authority State Legislative Platform to sponsor legislation to streamline the administration of the Active Transportation Program and increase regional oversight.
- B. Adopt a SUPPORT position on AB 147 (Burke, D-Inglewood), which would authorize the collection of sales and use taxes from online retailers pursuant to the U.S. Supreme Court's ruling in *South Dakota v. Wayfair, Inc.*
- C. Adopt an OPPOSE position on SB 127 (Wiener, D-San Francisco), which would direct highway funding to bike and pedestrian projects and reprioritize multiple transportation programs toward a complete streets approach.
- D. Adopt an OPPOSE position on SB 526 (Allen, D-Santa Monica), which would reprioritize transportation funding if a region is not on track to meet its regional greenhouse gas emission reduction targets.

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

**6. Federal Legislative Status Report**

Director Bartlett pulled this item, provided comments, and asked OCTA to remain vigilant for streamlining of the Transportation Infrastructure Finance and Innovation Act process.

A motion was made by Director Bartlett, seconded by Chairman Shaw, and declared passed by those present, to adopt a SUPPORT position on S. 353 (Cornyn, R-TX), which would help streamline the Transportation Infrastructure Finance and Innovation Act program under the Department of Transportation.

**7. Fiscal Year 2018-19 Second Quarter Budget Status Report**

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

**8. Environmental Mitigation Program Endowment Fund Investment Report for December 31, 2018**

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

**9. Low Carbon Transit Operations Program Recommendations for Fiscal Year 2018-19 Funds**

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

- A. Approve the use of \$7,110,976 in fiscal year 2018-19 Low Carbon Transit Operations Program funding for college fare programs and travel training for Fullerton, Golden West, and Santa Ana colleges, and the purchase of zero emission buses, plus related infrastructure, and operating costs for Bravo! Main Street Rapid Bus Service.
- B. Approve Resolution 2019-018, consistent with the Low Carbon Transit Operations Program Guidelines.
- C. Authorize the Chief Executive Officer or his designee to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above recommendations.

## **Orange County Transit District Consent Calendar Matters**

**10. Agreement for Pedestrian Access to the Operations Building at the Santa Ana Bus Base**

A motion was made by Director Davies, seconded by Director M. Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-2098 between the Orange County Transportation Authority and A2Z Construct, Inc., the lowest responsive, responsible bidder, in the amount of \$270,000, for a pedestrian access to the operations building at the Santa Ana Bus Base.

**11. Local Transportation Fund Claims for Fiscal Year 2019-20**

A motion was made by Director Davies, seconded by Director M. Murphy, and declared passed by those present, to adopt Orange County Transit District Resolution No. 2019-014 authorizing the filing of Local Transportation Fund claims, in the amounts of \$164,730,028 to support public transportation, and \$8,733,198 for community transit services.

**12. OC Vanpool Program Update**

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

**13. Bus Operations Performance Measurements Report for the Second Quarter of Fiscal Year 2018-19**

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

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

**14. Agreement for Public Outreach for Rail Capital Projects**

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

- A. Approve the selection of Katz & Associates, Inc., as the firm to provide public outreach for the rail capital projects.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-2074 between the Orange County Transportation Authority and Katz & Associates, Inc., in the amount of \$548,981, for a four-year initial term, through April 30, 2023, with one, one-year option term to provide public outreach for the rail capital projects.

## **Regular Calendar**

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

#### **15. OC Streetcar Project Update**

Darrell E. Johnson, CEO, provided opening comments, and co-presenting the PowerPoint for this item were Jim Beil, Executive Director of Capital Programs, Kelly Hart, Deputy Project Manager, and Tresa Oliveri, Outreach Manager.

The PowerPoint topics were as follows:

- Alignment;
- Background – Key Dates;
- Project Groundbreaking and Full Funding Grant Agreement;
- Right-of-Way;
- Utilities;
- Permits;
- Construction;
- Vehicles;
- Outreach; and
- Other Key Project Updates.

A discussion ensued regarding:

- The operating costs for the OC Streetcar are approximately \$8 million per year for the first five years, which is consistent with other similar systems.
- The OC Streetcar operating costs do not take any operating funds from the OCTA bus system.
- In the transit industry, the cost measures are per passenger mile or subsidy per boarding.
- The core of OCTA's bus system resembles urban bus systems.
- OCTA believes the OC Streetcar is similar to, or more efficient than, an urban bus system.
- For the OC Streetcar, contributing annually to the operating costs are the cities of Garden Grove at \$100,000 and Santa Ana at \$500,000.

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



## **Discussion Items**

### **16. Public Comments**

There were no public comments.

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

Darrell E. Johnson, CEO, reported:

- Metrolink 25<sup>th</sup> Anniversary – Orange County Line
  - On Saturday, March 23<sup>rd</sup>, OCTA hosted an event at the Anaheim Regional Transportation Intermodal Center Station in the City of Anaheim (Anaheim) to recognize the service.
  - The event also focused on encouraging people travel by Metrolink train to the San Juan Capistrano Swallows Day parade, and approximately 300 people attended the event.
  - Director Winterbottom was thanked for his participation.
- Angels Express:
  - Tonight, the service will be available for a pre-season game against the Los Angeles Dodgers.
  - On Friday, April 5<sup>th</sup> at 5:00 p.m., OCTA will host an event at the Irvine Metrolink Station to kick-off the regular Angels baseball season, and Angels Hall of Famer, Bobby Grich, will be signing autographs. In addition, Chairman Shaw will participate, and everyone is invited to attend the event.
- Wilderness Preserve Guided Hike:
  - On Saturday, April 6<sup>th</sup> at 10:00 a.m., OCTA will host a wilderness hike at the 396-acre Trabuco Rose Preserve in Trabuco Canyon.
  - OCTA hosts these hikes periodically to give the public an opportunity to explore OCTA's open space properties.

### **18. Directors' Reports**

Director Moreno reported that Anaheim is in negotiations to keep the Angels baseball organization in Anaheim and OCTA will be kept posted.

Chairman Shaw reported the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN) regular Board meeting was held on Monday, March 18<sup>th</sup>. Chairman Shaw reported that at the LOSSAN Board meeting, the Board approved LOSSAN's Annual Business Plan and continuance of the Rail 2 Rail program with Metrolink and North County Transit District.

Chairman Shaw also announced that the next LOSSAN Board meeting is scheduled for Monday, May 20<sup>th</sup>, and will be held at the OCTA Headquarters.

**19. Closed Session**

A Closed Session will be held as follows:

Pursuant to Government Code Section 54956.9(a) - Conference with General Counsel - Existing Litigation; Cabrera v. Orange County Transportation Authority, OCSC Case No. 30-2017-00902010.

There was no report out for the Closed Session item.

Directors Do and Pulido were not present for the Closed Session item.

**15. Adjournment**

The meeting adjourned at 10:12 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 8, 2019**, 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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Tim Shaw  
OCTA Chairman