

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 January 13, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Shaw at 9:08 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: Steve Jones, Chairman
 Andrew Do, Vice Chairman
 Lisa A. Bartlett
 Doug Chaffee
 Barbara Delgleize
 Michael Hennessey
 Gene Hernandez
 Mark A. Murphy
 Richard Murphy
 Miguel Pulido
 Tim Shaw
 Harry S. Sidhu
 Michelle Steel
 Donald P. Wagner
 Ryan Chamberlain, District Director
 California Department of Transportation District 12

Director Absent: Laurie Davies
 Joe Muller
 Gregory T. Winterbottom

Also Present: Darrell E. Johnson, Chief Executive Officer
 Kenneth Phipps, Deputy Chief Executive Officer
 Laurena Weinert, Clerk of the Board
 Sahara Meisenheimer, Deputy 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. Administration of the Oath of Office to New and Returning Orange County Transportation Authority Board of Directors

James Donich, General Counsel, administered the Oaths of Office to new Board Member Harry S. Sidhu and returning Board Members Barbara Delgleize, Gene Hernandez, and Steve Jones.

2. Election of Orange County Transportation Authority Board of Directors Chair

Chairman Shaw stated that the OCTA Administrative Code notes that the Board of Directors (Board) shall elect a Chair and Vice Chair at its first Board meeting in January.

A motion was made by Director Hennessey, seconded by Director Bartlett, and declared passed by those present, to elect Steve Jones to be the 2020 Chairman of the Orange County Transportation Authority Board of Directors.

3. Election of Orange County Transportation Authority Board of Directors Vice Chair

A motion was made by Director Hennessey, seconded by Director Bartlett, and declared passed by those present, to elect Andrew Do to be the 2020 Vice Chairman of the Orange County Transportation Authority Board of Directors.

4. 2019 Year In Review

Darrell E. Johnson, Chief Executive Officer (CEO), provided comments, referenced the 2019 OCTA accomplishments brochure provided to the Board, and presented was a video highlighting OCTA's 2019 accomplishments.

Mr. Johnson, CEO, also recognized and presented outgoing Chairman Shaw a gift of appreciation for his leadership as the 2019 Chairman of the Board.

Outgoing Chairman Shaw provided comments of gratitude and recognized, in the audience, his family, work boss, and colleague.

5. Presentation of Metrolink's Southern California Optimized Rail Expansion by Southern California Regional Rail Authority Chief Executive Officer Stephanie Wiggins

Darrell E. Johnson, CEO, provided opening comments and introduced Stephanie Wiggins, Southern California Regional Rail Authority (Metrolink), CEO, who provided a PowerPoint presentation for this item as follows:

- CEO Vision;
- Metrolink Annual Boardings (Millions);
- Orange County Service;
- Tier 4 Locomotive Progress;
- Wi-Fi Pilot;
- Holiday Express Train (video);
- Metrolink Southern California Optimized Rail Expansion; and
- 2020 Look Ahead.

A discussion ensued as follows:

- Vice Chairman Do provided comments and complimented Ms. Wiggins for changing the culture of Metrolink through transparency, accountability, live streaming of the Board and Committee meetings, reinstating the Committee system, and makes herself available with Metrolink's member agencies.
- Chairman Jones provided comments and thanked Ms. Wiggins for presenting to OCTA's Board.

Consent Calendar (Items 6 through 23)

Orange County Transportation Authority Consent Calendar Matters

6. Approval of Minutes

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to approve of the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of December 9, 2019.

Director Sidhu opposed this item due to not being present at the meeting. (Director Sidhu was sworn-in at today's Board meeting).

Director Shaw was not present to vote on this item.

7. Corporate Credit Cards, Internal Audit Report No. 20-504

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to direct staff to implement one recommendation provided in Corporate Credit Cards, Internal Audit Report No. 20-504.

Director Shaw was not present to vote on this item.

8. Bus Marketing, Internal Audit Report No. 19-512

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to direct staff to implement three recommendations provided in Bus Marketing, Internal Audit Report No. 19-512.

Director Shaw was not present to vote on this item.

9. 91 Express Lanes Master Custodial Account and Revenue Allocation, Internal Audit Report No. 19-514

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to receive and file 91 Express Lanes Master Custodial Account and Revenue Allocation, Internal Audit Report No. 19-514, as an information item.

Director Shaw was not present to vote on this item.

10. Agreement with the Transportation Security Administration

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to approve the Other Transaction Agreement between the Orange County Transportation Authority and the Transportation Security Administration for participation in the National Explosives Detection Canine Teams Program, allowing the Orange County Transportation Authority to receive up to \$757,500 over a period of five years to support the three Transportation Security Administration-certified explosives detection canine teams assigned to the Orange County Transportation Authority Transit Police Services.

Director Shaw was not present to vote on this item.

11. Fiscal Year 2019-20 First Quarter Budget Status Report

Staff pulled this item and Andrew Oftelie, Chief Financial Officer, reported that this item is OCTA's quarterly budget status report to show how the actuals are tracking against the fiscal year budget.

Mr. Oftelie stated that at the direction of the Finance and Administration Committee, a new dashboard report was implemented as noted in Attachment A of the Staff Report. Mr. Oftelie stated that Attachment A, "Sales Tax Receipts" section, represents approximately half of OCTA's revenues, and highlighted the two sales tax measures that OCTA manages.

Mr. Oftelie also stated that OCTA reviewed if the "Sales Tax Receipts" actuals compared to the budget was due to an underrun or timing issue. He reported that since the writing of this item's Staff Report, OCTA confirmed that the California Department of Tax and Fee Administration was behind remitting sales collections to agencies.

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and declared passed by those present, to receive and file as an information item.

Director Shaw was not present to vote on this item.

12. Award of Sole Source Agreement for the Purchase and Maintenance of a Xerox Nuvera 144 EA Production Press

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-9-1771 between the Orange County Transportation Authority and Xerox Corporation, in the amount of \$175,340, for the purchase of a Xerox Nuvera 144 EA Production Press, training, and maintenance.

Director Shaw was not present to vote on this item.

13. Agreement for the Purchase of Modular Systems and Ancillary Furniture

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-9-1652 between the Orange County Transportation Authority and Western Office, in the amount of \$990,000, to provide services for the purchase of modular systems and ancillary furniture for a two-year term.

Director Shaw was not present to vote on this item.

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

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to:

- A. Authorize approval of amendment requests for four projects from the cities of Anaheim, Costa Mesa, Newport Beach, 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.

Director Shaw was not present to vote on this item.

15. 2021 Federal Transportation Improvement Program and Financial Plan

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to:

- A. Authorize the submittal of the Federal Transportation Improvement Program for fiscal year 2020-21 through fiscal year 2025-26.
- B. Adopt Resolution No. 2020-001 of the Board of Directors of the Orange County Transportation Authority.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate programming of projects.

Director Wagner voted in opposition of this item.

Director Shaw was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

16. Bus Operations Performance Measurements Report for the First Quarter of Fiscal Year 2019-20

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

Director Shaw was not present to vote on this item.

17. Agreement for Lease and Full Service of Bus Tires

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1354 between the Orange County Transportation Authority and Bridgestone Americas Tire Operations, LLC, in the amount of \$10,245,764, for the lease and full service of bus tires for a five-year term.

Director Shaw was not present to vote on this item.

18. February 2020 Bus Service Change

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

Director Shaw was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

19. Measure M2 Performance Assessment Report Update

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

Director Shaw was not present to vote on this item.

20. Consultant Selection for On-Call Traffic Engineering and Intelligent Transportation Systems Services

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to:

- A. Approve the selection of DKS Associates, Albert Grover & Associates, Inc., KOA Corporation, and Iteris, Inc., as the firms to provide on-call traffic engineering and intelligent transportation system services for regional traffic signal synchronization projects, in the aggregate amount of \$5,328,000.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1513 between the Orange County Transportation Authority and DKS Associates to provide on-call traffic engineering and intelligent transportation system services for five years with two, one-year option terms for regional traffic signal synchronization projects.

20. (Continued)

- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1810 between the Orange County Transportation Authority and Albert Grover & Associates, Inc., to provide on-call traffic engineering and intelligent transportation system services for five years with two, one-year option terms for regional traffic signal synchronization projects.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1811 between the Orange County Transportation Authority and KOA Corporation to provide on-call traffic engineering and intelligent transportation system services for five years with two, one-year option terms for regional traffic signal synchronization projects.
- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1812 between the Orange County Transportation Authority and Iteris, Inc., to provide on-call traffic engineering and intelligent transportation system services for five years with two, one-year option terms for regional traffic signal synchronization projects.

Director Shaw was not present to vote on this item.

21. Capital Programming Update

Director Wagner pulled this item and thanked staff for briefing him on the State Route 55 Improvement Project (55 Project). He provided concerns about the 55 Project's substantial right-of-way (ROW) acquisitions costs and interruptions for a small increase of traffic speeds.

Director Wagner asked if it would be considered appropriate before the spending of ROW acquisitions to discuss where this Board is with the 55 Project and whether there might be alternatives.

Darrell E. Johnson, CEO, stated the 55 Project is contained within Measure M2, and staff can return to the appropriate committee and Board with a status, schedule, and risks report.

21. (Continued)

A motion was made by Director Wagner, seconded by Director Pulido, and declared passed by those present, to:

- A. Authorize the use of up to \$46.592 million in State Route 91 Express Lane Excess Revenue funding for the following projects:
 - State Route 91 Improvement Project from State Route 57 to State Route 55 - design phase of segments 1, 2, and 3 (\$31.592 million),
 - State Route 91 between State Route 241 and Interstate 15 (Orange County portion {\$15 million}).
- B. Authorize the use of up to \$11.500 million in Surface Transportation Block Grant and \$16.096 million in Measure M2 for the design phase of the following projects:
 - Interstate 5 Improvement Project from Yale Avenue to State Route 55 (Segment 2 {\$11.500 million in Surface Transportation Block Grant and \$2.398 million in Measure M2}),
 - State Route 55 Improvement Project from Interstate 5 to State Route 91 (\$8.921 million in Measure M2),
 - State Route 57 Improvement Project from Orangewood Avenue to Katella Avenue (\$4.777 million in Measure M2).
- C. Authorize the use of \$2.448 million in additional Congestion Mitigation and Air Quality Improvement funds for the Interstate 5, State Route 55 to State Route 57 Project.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

22. Measure M2 Community-Based Transit Circulators Program Project V Ridership Report

A motion was made by Director Pulido, seconded by Director Hennessey, and declared passed by those present, to:

- A. Receive and file Project V Ridership Report as an information item.
- B. Authorize amendments to the City of Irvine's iShuttle Project V-funded services to enhance route productivity, and also authorize a six-month delay in achieving minimum required performance standard for year one of service.

Director Shaw was not present to vote on this item.

Orange County Service Authority For Freeway Emergencies Consent Calendar Matters

23. Motorist Services Update for Fiscal Year 2018-19

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

Director Shaw was not present to vote on this item.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

24. Contract Change Order for Removal and Disposal of Contaminated Materials Within the Orange County Transit District-Owned Pacific Electric Right of Way and Other Project Areas for the OC Streetcar Project

Jim Beil, Executive Director of Capital Programs, reported on the following:

- The 4.1-mile OC Streetcar project corridor is being constructed on approximately 1.8 miles of the Pacific Electric Right of Way (PEROW), which OCTA acquired in 1983.
- During excavation, within City of Santa Ana streets, soil contamination was encountered by past Pacific Electric “Redcar” railroad usage.
- Some of the soil contamination includes arsenic, lead, petroleum hydrocarbons, and treated wood waste.
- Highlighted the August 2019 Board-approved Contract Change Order (CCC) No. 3 for \$1.6 million.
- Highlighted this item’s estimated \$7.2 million CCO for increased costs of quantities, handling, and disposal of additional encountered contaminated materials.
- The costs for the proposed CCO will be paid on a time-and-materials basis and funded from the OC Streetcar project allocated contingency.
- Referenced and highlighted was the handout, provided to the Board, that summarizes the OC Streetcar project contingency and usage.
- Construction is 17 percent complete, and the subterranean excavation risks will be completed within the next two months.
- At the January 9, 2020 Transit Committee meeting, there were questions about how much additional deeper excavations will be needed.
 - The response to the question is that about 325 overhead cantenary power system poles will be placed in the city public way areas and accounts for another five to six percent of the total excavation.

24. (Continued)

A discussion ensued regarding:

- Some of the uncovered wooden railroad ties date back to the late 1800s.
- Since the “Redcar” was an older system, there were no practices established to disclose buried railroad lines. In current timelines, there are established practices for disclosure.
- Transit Committee Chairman Do reported that at the last Transit Committee (Committee) meeting, the Committee discussed lessons learned about the contaminated materials, and staff will come forward with a PEROW report.
- About 95 percent of the subterranean excavation is completed, the power system poles will be placed in the city public way, and the subterranean excavation risks will be done within the next few months.
- There was a Phase I and II environmental assessment, and the geotechnical borings test up to five feet deep.
- Phase II environmental boring tests indicated some levels of contaminations; however, not to the levels of California or national waste regulations that require export to a designated disposal facility.
- Approximately, 35,000 tons of non-hazardous contaminated soils must be transported to an approved California disposal facility for about \$1 million.
- California’s hazardous waste regulations require that the 8,300 tons of contaminated soil be hauled to Arizona for a cost estimate of \$2.4 million.
- At the request of the Federal Transit Administration, OCTA staff will meet with the Los Angeles County Metropolitan Transportation Authority to solicit their feedback on its PEROW issues.
- About 17 percent of the OC Streetcar Project is complete, 33 percent of the contingency has been used, and the contingency projections will be enough.

A motion was made by Director Pulido, seconded by Vice Chairman Do, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 3.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$7,278,795, for the removal and disposal of contaminated materials within the Orange County Transit District-owned Pacific Electric Right of Way and other project areas for the construction of the OC Streetcar project.

Director Steel voted in opposition of this item.

25. Interstate 405 Improvement Project Update

Jeff Mills, Program Manager, Interstate 405 (405) Improvement Project, and Chris Boucly, 405 Project Outreach Manager, co-presented the PowerPoint presentation for this item as follows:

- Project Location and Key Features;
- Background;
- Project Update;
- Construction Update:
 - Concrete paving operations
 - Retaining wall and soundwall construction
 - Fairview Road bridge and ramp construction
 - Santa Ana River bridge construction
 - Bushard Street bridge demolition and construction
 - Magnolia Street bridge construction
 - Westminster Boulevard bridge construction
 - Bolsa Chica Road bridge construction;
- Look Ahead for Bridge Construction;
- Bridge Construction Map;
- Project Challenges;
- Schedule Mitigations Implemented;
- Community Engagement; and
- Upcoming Outreach.

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

Discussion Items

26. 2019 Chief Executive Officer's Initiatives and Action Plan - End-of-Year Report

Darrell E. Johnson, CEO, stated that the CEO's 2019 initiatives were developed in support of the Board initiatives. He reported there were 10 initiatives that were measured through 88 milestones, and the year ended with 90 percent of the milestones completed.

Mr. Johnson highlighted a few of the initiatives and other key milestones, and expressed being proud of the OCTA team and looks forward to another successful year in 2020.

No action was taken on this information item.

27. Public Comments

There were no public comments received.

28. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported the following:

241/91 Express Connector Project:

- As outline in the term sheet approved by all parties in fall 2019, there was a process that allowed the California Department of Transportation to finalize the environmental impact report.
- Thanked Director Chamberlain for his hard work with this project's process.

Hydrogen Event:

- On Friday, January 31st at 10:30 a.m., OCTA will host an event at the Santa Ana Base to celebrate OCTA's zero-emission bus fleet and the completion of OCTA's hydrogen fueling station.
- The station will serve the 10 hydrogen fuel cell buses that OCTA has recently added that are battery-electric, zero-emission buses.
- The event will commemorate OCTA's continuing efforts to expand an environmentally sustainable transportation system.

29. Directors' Reports

Director Shaw commented on a recent Orange County Register article about the 100 most influential people in Orange County. He reported that the article recognized Directors Bartlett, Sidhu, Steel, and Wagner, former Director Moreno, and Darrell E. Johnson, CEO.

Director Do thanked the Board for electing him as OCTA's Vice Chairman of the Board and provided comments.

Chairman Jones welcomed new Board Member Harry S. Sidhu to the OCTA Board and thanked his colleagues for electing him as OCTA's Chairman of the Board.

30. Closed Session

A Closed Session was held as follows:

- A. Pursuant to Government Code Section 54956.9(d) - Conference with General Counsel - Potential Litigation - One Item.
- B. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 (Teamsters) 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 Teamsters Representative.

There was no report out for Closed Session items letters A and B.

31. Adjournment

The meeting adjourned at 10:18 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, January 27, 2020**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Steve Jones
Chairman