

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 April 13, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:02 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Chairman Jones announced today's Board of Directors (Board) meeting protocol, the Board will participate via teleconferencing, and all votes would be taken by roll call.

## Roll Call

The Clerk of the Board conducted an attendance Roll Call and announced there was quorum of the Board as follows:

Directors Present: Steve Jones, Chairman

*Via teleconference:*

Andrew Do, Vice Chairman

Lisa A. Bartlett

Doug Chaffee

Laurie Davies

Barbara Delgleize

Michael Hennessey

Gene Hernandez

Joseph Muller

Mark A. Murphy

Richard Murphy

Miguel Pulido

Tim Shaw

Harry S. Sidhu

Michelle Steel

Donald P. Wagner

Gregory T. Winterbottom

Ryan Chamberlain, District Director

California Department of Transportation District 12

Director Absent: None

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)  
Jennifer L. Bergener, Deputy CEO/Chief Operation Officer  
Laurena Weinert, Clerk of the Board (COB)  
Martha Ochoa, Assistant COB  
James Donich, General Counsel (teleconference)

## **Invocation**

Director Delgleize gave the invocation.

## **Pledge of Allegiance**

Chairman Jones led in the Pledge of Allegiance.

## **Special Calendar**

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

#### **1. Coronavirus (COVID-19) Update**

Darrell E. Johnson, CEO, provided an update on OCTA's efforts to proactively respond to the COVID-19 pandemic as noted in this item's staff report, and referenced the handout emailed to the Board in advance of today's Board meeting.

Director Pulido requested the Board be provided all reports about OCTA's COVID-19 updates. Mr. Johnson acknowledged Director Pulido's request, referenced this item's staff report, as well as provided comments related to the request.

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

## **Consent Calendar (Items 2 through 17)**

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

#### **2. Approval of Minutes**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of March 23, 2020.

#### **3. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2019**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to receive and file Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2019, Internal Audit Report No. 20-509, as an information item.

**4. 91 Express Lanes Update and Temporary Measures**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to:

- A. Authorize the Chief Executive Officer to temporarily waive for a period of up to 90 days, 91 Express Lanes monthly account fees, contingent upon a similar approval from the Riverside County Transportation Commission.
- B. Authorize the Chief Executive Officer to temporarily modify for a period of up to 90 days the 91 Express Lanes Toll Policy to allow for the ability to remove automatic toll rates increases, if necessary.

**5. Signatory to the Orange County Operational Area Agreement**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to execute the signatory agreement allowing Orange County Transportation Authority to participate in the Orange County Operational Area Agreement.

**6. Fiscal Year 2019-20 Second Quarter Budget Status Report**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to receive and file as an information item.

**7. Agreement with Center for Demographic Research at California State University, Fullerton**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute an agreement with the California State University, Fullerton Center for Demographic Research, in an amount not to exceed \$331,504, for a term of three years, to provide Orange County demographic data.

**8. Grant Award Acceptance for the 2019 and 2020 Orange County Fair Express Bus Service**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer, or designee, to accept the Mobile Source Air Pollution Reduction Review Committee Major Event Center Transportation Program award, and to negotiate and execute grant-related agreements and documents with the Mobile Source Air Pollution Reduction Review Committee.

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

### **9. Consultant Selection for OC ACCESS Eligibility Determination Services**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Medical Transportation Management, Inc., as the firm to provide OC ACCESS eligibility determination services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1621 between the Orange County Transportation Authority and Medical Transportation Management, Inc., in the amount of \$3,062,866, for a three-year initial term from July 1, 2020 through June 30, 2023, with one, two-year option term, to provide OC ACCESS eligibility determination services.

### **10. Consultant Selection for Vanpool Service Providers**

Vice Chairman Do pulled this item and stated that due to the Levine Act, he will not participate.

A motion was made by Director Pulido, seconded by Director Davies, and following a roll call vote, declared passed 15-0, to:

- A. Approve the selections of AVR Vanpool, a division of Airport Van Rental; Enterprise Rent-A-Car Company of Los Angeles LLC, doing business as Commute with Enterprise; and Green Commuter, Inc., to provide vanpool program services for the Orange County Transportation Authority vanpool program, in the aggregate amount of \$12,923,121, to be shared by all firms based on the number of vanpools operated.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1698 between the Orange County Transportation Authority and Enterprise Rent-A-Car Company of Los Angeles, doing business as Commute with Enterprise, to provide vanpool program services for a five-year initial term through June 30, 2025, and with two, two-year option terms.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2156 between the Orange County Transportation Authority and AVR Vanpool, a division of Airport Van Rental, to provide vanpool program services for a five-year term through June 30, 2025, and with two, two-year option terms.

**10. (Continued)**

- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2157 between the Orange County Transportation Authority and Green Commuter Inc., to provide vanpool program services for a five-year term through June 30, 2025, and with two, two-year option terms.

Due to the Levine Act, Vice Chairman Do and Director Wagner did not participate.

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

**11. Supplemental Contract Change Order for the Interstate 405 Improvement Project from State Route 73 to Interstate 605 - Archaeological Treatment Plan**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute supplemental Contract Change Order No. 57.1 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$1,300,000, to develop, implement, and maintain an archaeological treatment plan, and continue archaeological monitoring for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.

**12. Consultant Selection for Construction Management Support Services for the Interstate 5 Widening Project Between Alicia Parkway and El Toro Road**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Jacobs Project Management Co., as the firm to provide construction management support services for the Interstate 5 widening project between Alicia Parkway and El Toro Road.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1605 between the Orange County Transportation Authority and Jacobs Project Management Co., as the firm to provide construction management support services for the Interstate 5 widening project between Alicia Parkway and El Toro Road.

Due to the Levine Act, Director Wagner did not participate.

**13. Approval to Release Request for Proposals for the Preparation of Plans, Specifications, and Estimates for the Interstate 605/Katella Avenue Interchange Improvement Project**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2186 for consultant services for the preparation of plans, specifications, and estimates for the Interstate 605/Katella Avenue Interchange improvement project.
- B. Approve the release of Request for Proposals 0-2186 for consultant services for the preparation of plans, specifications, and estimates for the Interstate 605/Katella Avenue Interchange improvement project.

**14. Measure M2 Eligibility for the City of Santa Ana**

Vice Chairman Do pulled this item, commented that he supports the item, and noted that the City of Santa Ana (Santa Ana) applied for Measure M2 (M2) bus stop improvement Project W funding during the time period of ineligibility.

Vice Chairman Do asked that this item to be approved, directed staff to reconsider Santa Ana's M2 Project W application, now that Santa Ana is eligible, and return with recommendations.

A motion was made by Vice Chairman Do, seconded by Director Pulido, and following a roll call vote, declared passed 16-0, to:

- A. Approve the City of Santa Ana as eligible to receive Measure M2 net revenues.
- B. Direct staff to reinitiate payments to the City of Santa Ana for Measure M2 net revenues, which were held during its period of ineligibility (less fiscal year 2018-19 audit costs).

Director Bartlett was not present to vote on this item.

**15. Measure M2 Eligibility for the City of Stanton**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to:

- A. Approve the City of Stanton as eligible to receive Measure M2 net revenues.
- B. Direct staff to reinstate payments to the City of Stanton for Measure M2 net revenues, which were held during its period of ineligibility (less fiscal year 2018-19 audit costs).

**16. 2020 Measure M2 Community-Based Transit Circulators (Project V) Call for Projects Programming Recommendations**

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0, to:

- A. Approve programming recommendations for Project V funding, in an amount not to exceed \$9,043,613, plus inflationary adjustments, for six local agency projects submitted under the capital and operating reserve categories.
- B. Approve the programming recommendations for Project V funding, in an amount not to exceed \$177,900, for three local agency projects submitted under the planning category.
- C. Authorize staff to execute cooperative funding agreements with local agencies.
- D. Authorize staff to negotiate and execute lease agreements with interested local agencies, for the use of existing Project V-funded (and Orange County Transportation Authority-owned) vehicles.

**17. Fiscal Year 2020-21 Updates to the Measure M2 Eligibility, Local Signal Synchronization Plan, and Pavement Management Plan Guidelines**

Director Shaw pulled this item, referenced today's agenda Item 1 that included a maintenance of effort (MOE) update, and referenced this item's Recommendation B.

Director Shaw stated that the City of La Habra (La Habra), City Manager, felt that Recommendation B would be a tremendous help for La Habra. Director Shaw felt Recommendation B would also help Orange County cities given that revenues are expected to decline due to the COVID-19 pandemic.

**17. (Continued)**

Director Shaw inquired about the process to change the M2 MOE requirement, and James Donich, General Counsel, highlighted the administrative change process to the M2 Ordinance.

A discussion ensued regarding the following:

- If a city did not meet the MOE this fiscal year (FY) and next FY, it would be up to the Board to make that determination.
- This item's Recommendation B would require staff to return to the Board with a recommended plan of action.
- For this FY, OCTA is reviewing through the M2 semi-annual process the MOE, and OCTA will discuss project delivery and expenditures with the cities.

A motion was made by Director Shaw, seconded by Director Hennessey, and following a roll call vote, declared passed 16-0, to:

- A. Approve proposed revisions to the Fiscal Year 2020-21 Measure M2 Eligibility Guidelines.
- B. Direct staff to reevaluate maintenance of effort requirements for fiscal year 2020-21 pending a review of the economic impacts of the Coronavirus.
- C. Approve proposed revisions to the Guidelines for the Preparation of Local Signal Synchronization Plans 2020.
- D. Approve proposed revisions to the Countywide Pavement Management Plan Guidelines.

Director Muller was not present to vote on this item.

## **Regular Calendar**

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

#### **18. South County Traffic Relief Effort Update and Next Steps**

Kurt Brotcke, Director of Strategic Planning, provided a PowerPoint presentation for this item as follows:

- Overview;
- Scoping Period Comments; and
- Agreed Upon Next Steps.

A discussion ensued regarding the following:

- Director Bartlett appreciated that the Regional Planning and Highways Committee moved forward with the amended Recommendation A to include all relevant stakeholders, as well as provided additional comments.
- Director Muller stated the following:
  - There was an extensive discussion about Alternative (Alt) 22 and thanked all the stakeholders for their input.
  - Not included in this item's report was the extensive discussions at the Transportation Corridor Agencies that the County of Orange would be the lead agency for Alt 22 due to it being a non-toll arterial.

A motion was made by Director Bartlett, seconded by Director M. Murphy, and following a roll call vote, declared passed 16-0, to:

- A. Direct staff to work with the Transportation Corridor Agencies, County of Orange, and all relevant stakeholders in the preparation of a project development plan for a non-tolled extension to Los Patrones Parkway.
- B. Direct staff to work with the California Department of Transportation and the City of San Juan Capistrano to advance funding for the final design for the widening of Ortega Highway.
- C. Direct staff to work with the California Department of Transportation and the San Diego Association of Governments to advance funding for the environmental process for Interstate 5 high-occupancy vehicle lane improvements.
- D. Direct staff to return in summer 2020 with a status report on the South Orange County Multimodal Transportation Study.

Director Winterbottom was not present to vote on this item.

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

### **19. Contract Change Order for Utility Conflicts for the Construction of the OC Streetcar Project**

Jim Beil, Executive Director of Capital Programs, provided an overview, and reported on the procurement approach and funding for this item.

A motion was made by Vice Chairman Do, seconded by Director Davies, and following a roll call vote, declared passed 13-2, to:

Directors Steel and Wagner voted in opposition.

Directors Pulido and Winterbottom were not present to vote on this item.

## **Discussion Items**

### **20. Orange County Transportation Authority Financial Update**

Andrew Oftelie, Chief Financial Officer, and Sean Murdock, Director of Finance and Administration, co-presented this item as follows:

- Program Updates;
- Short-Term Portfolio Balance of \$1.6 Billion;
- Cash Balance of \$2.1 Billion;
- Measure M2 (M2) Program;
- M2 Program: Sales Tax vs Debt Service;
- Bus Program;
- 91 Express Lanes;
- 91 Express Lanes: Revenue vs Debt Service;
- Interstate 405 Express Lanes;
- Rating Agencies; and
- Next Steps.

A discussion ensued regarding:

- 91 Express Lanes (EL) toll rates are adjusted quarterly;
- The EL is not a dynamic pricing system; and
- The recent EL toll adjustments were effective April 1, 2020, and the next quarterly adjustment will be on July 1, 2020.

No action was taken on this information item.

**21. Fiscal Year 2020-21 Revised Budget Assumptions**

Victor Velasquez, Department Manager of Financial Planning and Analysis, provided a PowerPoint presentation for this item as follows:

- Fiscal Year 2020-21 Budget Timeline;
- Major Programs;
- Measure M2 Program Assumptions;
- Bus Program Revenue Assumptions;
- Bus Operations Expenditure Assumptions;
- Rail Program Revenue Assumptions;
- 91 Express Lanes Program Assumptions; and
- Next Steps.

A discussion ensued regarding:

- The Coronavirus Aid Relief and Economic Security (CARES) Act is to offset bus revenue changes by using existing formula based federal transit administrative programs apportionments.
- OCTA will receive through the CARES Act about three years of the existing federal transit administrative programs apportionments.
- OCTA wanted to report to the Board and public that OCTA is adjusting the budget due to COVID-19.
- OCTA will bring forward to the June 8th Board meeting a balanced proposed FY 2020-21 budget.
- At the April 22th Finance and Administration Committee and May 11th Board meetings, there will be a presentation on the proposed FY 2020-21 budget.

**22. Public Comments**

Laurena Weinert, COB, stated for the record that a public comment letter dated March 30, 2020 from Kristopher Fortin on behalf of several agencies was received by the COB Department. Ms. Weinert noted that the letter and OCTA's response were emailed to the Board on April 8, 2020.

Ms. Weinert also stated that Mr. Fortin's update to his original letter was received by the COB Department on April 9, 2020 and emailed to the Board on the same day. The letters and OCTA's response to the original letter will be part of the record for today's Board meeting.

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

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

- Thanked the Board for its ongoing support and leadership as OCTA continues to respond in real-time to the COVID-19 pandemic.
- Thanked all OCTA employees for going above and beyond during the COVID-19 crisis and continue to exemplify OCTA's core values.
- OCTA will remain flexible in the COVID-19 response efforts and will continue to take guidance from local, state, and federal health officials.
- Tomorrow morning, he along with, Director Chamberlain will speak virtually at the Orange County Business Council's Infrastructure Committee meeting.
- Tomorrow afternoon, a second virtual CEO Connection is scheduled to provide OCTA staff some of the same information the Board received today.

**24. Directors' Reports**

Director Wagner commented on the challenges for viewing OCTA's digital Board agenda and other related comments and asked if there is an easier way to review the items.

Mr. Johnson, CEO, commented that there are several options for viewing the digital agenda and will provide Director Wagner and the Board options on how to view the digital agenda.

Director Wagner commented on the weed growth along the freeways, understands funds are tight, and an early weed abatement would greatly be appreciated. Mr. Johnson, CEO, responded that he will work with Director Chamberlain about Director Wagner's request.

Director Winterbottom suggested a super page numbering for the digital agenda. Mr. Johnson, CEO, responded that the digital viewing options will be provided to the Board.

Director Pulido asked what is offered to the bus riders during COVID-19, about hand sanitizer on the bus, etcetera. Mr. Johnson, CEO, highlighted OCTA's steps to ensure health and safety on the bus for the public and OCTA staff.

Director Pulido asked for review of enhanced COVID-19 health and safety for the bus passengers, beyond what OCTA is currently doing, and return to the Board with recommendations.

**25. Closed Session**

There were no Closed Session items scheduled.

**26. Adjournment**

The meeting adjourned at 10:29 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 27, 2020**, at the OCTA 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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Steve Jones  
Chairman