

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 June 22, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:01 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

## **Roll Call**

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

Directors Present:     Steve Jones, Chairman  
                                 Tim Shaw

***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  
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 Operating Officer  
                         Laurena Weinert, Clerk of the Board (COB)  
                         Martha Ochoa, Assistant COB  
                         James Donich, General Counsel

## **Invocation**

Director Sidhu gave the invocation.

## **Pledge of Allegiance**

Chairman Jones led in the Pledge of Allegiance.

## **Special Calendar**

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

#### **1. Public Hearing to Amend the Measure M2 Orange County Local Transportation Authority Ordinance No. 3**

Darrell E. Johnson, CEO, provided opening comments and introduced Kia Mortazavi, Executive Director of Planning, who reported on the reasons for the proposed amendment to the Measure M2 (M2) Orange County Local Transportation Authority Ordinance No. 3.

Mr. Mortazavi stated that OCTA received letters from the cities of Brea, Costa Mesa, Fullerton, Lake Forest, Rancho Santa Margarita, and Seal Beach. Mr. Mortazavi highlighted those cities four additional options, as well as provided OCTA's response to the suggested options.

Director Hennessey stated that the M2 amendment is a good idea and inquired the timelines for the amendment. Mr. Mortazavi responded that the M2 amendment covers fiscal year 2020-21 and the adjustment is for the next fiscal year only.

The Clerk of the Board (COB) read into the record notifications to inform the public and local agencies of today's public hearing.

Chairman Jones opened the public hearing for public comments, and the COB noted for the record that two public comments were received by the COB Department from the cities of Lake Forest and Rancho Santa Margarita and were emailed to the Board.

Mr. Johnson, CEO, stated for the record that on June 19th around 6:00 p.m., after business hours, he received an email from a local public affairs consultant that attached four letters from the cities of Brea, Costa Mesa, Fullerton, and Seal Beach that included the same suggestions that Mr. Mortazavi highlighted.

**1. (Continued)**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following the roll call vote, declared passed 15-0, to close the public hearing. Directors Pulido and Steel were not present to vote.

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

- A. Amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to modify the maintenance of effort requirements for fiscal year 2019-20 and fiscal year 2020-21 to address anticipated near-term negative growth in general fund revenues due to the novel coronavirus pandemic.
- B. Direct staff to provide written notice of the amendment to local jurisdictions.

Director Steel was not present to vote.

**2. Taxpayer Oversight Committee New Member Recruitment and Lottery**

Chairman Jones provided an overview of the Taxpayer Oversight Committee (TOC) and conducted the lottery for final selection of new M2 TOC Members.

The names were drawn from the recommended finalists from the Grand Jurors' Association of Orange County Selection Panel, each representing the Second and Third Supervisorial Districts. The lottery results were as follows:

**Second Supervisorial District/City**

Harry Stephen Sloan, Newport Beach

Contingency List (in order):

Michael W. Depew, Sr., Seal Beach

Larry Tekler, Huntington Beach

Nathan Searies, Rossmor

Ben Nielson, Fountain Valley

**Third Supervisorial District/City**

Joseph McCarthy, Villa Park

Contingency List (in order):

Richard Ramirez, Orange

Stewart Rixson, Yorba Linda

Brian Beelner, Orange

Wisam Altowaiji, Tustin

**2. (Continued)**

Chairman Jones congratulated the newly selected members and thanked all the applicants and finalists for their interest. Chairman Jones also thanked and acknowledged this year's Grand Jurors Association of Orange County Selection Panel Bill Underwood, Chairman, Diana G. Merryman, John J. Moohr, Timothy J. Ogata, and Virginia L. Zlaket.

Chairman Jones also acknowledged outgoing TOC Members Larry Tekler from the City of Huntington Beach who this past year served as the TOC Co-Chairman and Ronald Randolph from the City of Yorba Linda for their hard work.

Chairman Jones announced that the next year's recruitment will begin in early spring to fill vacancies representing the First, Second, Third, and Fourth Supervisorial Districts.

**3. Coronavirus Update**

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

No action was taken on this information item.

**Consent Calendar (Items 4 through 27)**

**Orange County Transportation Authority Consent Calendar Matters**

**4. Approval of Minutes**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of June 8, 2020.

**5. Approval to Release Request for Proposals for Back-Office System and Customer Service Center Operations Services for the 405 Express Lanes in Orange County**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2352 for selection of a contractor to provide the back-office system and customer service center operations services for the 405 Express Lanes in Orange County.

**5. (Continued)**

- B. Approve the release of Request for Proposals 0-2352 to provide the back-office system and customer service center operations services for the 405 Express Lanes in Orange County.

**6. Extension of 91 Express Lanes Temporary Measures**

A motion was made by Director Hernandez, seconded by Director M. Murphy, 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, for the months of July 2020, August 2020, and September 2020.
- 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 rate increases, if necessary.

**7. Cooperative Agreement with the City of Fullerton for the Fullerton Transportation Center Stair Replacement Project**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Authorize the use of \$1,295,000 in Federal Transit Administration Section 5337 State of Good Repair Program funds for the Fullerton Transportation Center Stair Replacement Project.
- B. 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.
- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2266 between the Orange County Transportation Authority and the City of Fullerton to define roles, responsibilities, and funding for the Fullerton Transportation Center Stair Replacement Project.

**8. Citizens Advisory Committee Annual Update and Member Appointments**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to receive and file the Citizens Advisory Committee status report.

**9. Special Needs Advisory Committee Annual Update and Member Appointments**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to receive and file the Special Needs Advisory Committee's status report.

**10. Annual Update to Investment Policy for 2020**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Adopt the 2020 Investment Policy dated June 10, 2020.
- B. Authorize the Treasurer to invest, reinvest, purchase, exchange, sell, and manage Orange County Transportation Authority funds during fiscal year 2020-21.

**11. Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limitation for Fiscal Year 2020-21**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to adopt Orange County Transportation Authority Resolution No. 2020-023 to establish the Orange County Transportation Authority General Fund appropriations limit at \$12,508,480, for fiscal year 2020-21.

**12. Approval to Release Request for Proposals for State Legislative Advocacy and Consulting Services**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2369 for selection of a firm to provide state legislative advocacy and consulting services.
- B. Approve the release of Request for Proposals 0-2369 to select a firm to provide state legislative advocacy and consulting services for a two-year initial term with two, two-year option terms.

**13. Amendment to Agreement with Potomac Partners DC, for Federal Legislative Advocacy and Consulting Services**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-8-1750 between the Orange County Transportation Authority and Potomac Partners DC, to exercise the first option term of the agreement, in the amount of \$480,000, for federal legislative advocacy and consulting services. This will increase the maximum obligation of the agreement to a total contract value of \$960,000.

Vice Chairman Do did not participate or vote on this item due to a potential Levine Act conflict.

**14. State Legislative Status Report**

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

**15. Federal Legislative Status Report**

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

**16. Proposed Schedule for the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to approve the preparation plan and timeline for the Orange County Transportation Authority State and Federal Legislative Platforms.

**Orange County Transit District Consent Calendar Matters**

**17. Revenue Vehicle Maintenance, Internal Audit Report No. 20-506**

Vice Chairman Do pulled this item, commented on the audit findings, and asked if the manufacture warranties were impacted.

**17. (Continued)**

Jennifer L. Bergener, Deputy DCEO/Chief Operating Officer, responded that all tasks not on the template were inspected and completed, and OCTA goes beyond the preventative maintenance tasks. Ms. Bergener stated the audit finding asked to incorporate these tasks in the work order document where there are variances from the manufacture guidelines. She also stated that management agrees with the finding to further document, and there were no voids to the warranty.

Vice Chairman Do inquired about the documented completed work not reflected in the template and does OCTA complete all maintenance beyond the recommended manufacturer's guidelines.

Ms. Bergener responded there is a comprehensive tracking system, as well as confirmed that OCTA does maintenance beyond the recommended manufacturers guidelines.

A motion was made by Vice Chairman Do, seconded by Director Shaw, and following a roll call vote, declared passed 17-0, to direct staff to implement the recommendation provided in Revenue Vehicle Maintenance, Internal Audit Report No. 20-506.

**18. Agreement for Graphic Design Services for Bus Service Change Materials**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Digital Graphics Centre as the firm to provide graphic design and production services for bus service change materials.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2178 between the Orange County Transportation Authority and Digital Graphics Centre, in the amount of \$210,000, for a three-year initial term with two, two-year option terms, to provide graphic design and production services for the bus service change materials.

**19. Agreement for Printing, Packaging, and Delivery of the Bus Book**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the selection of Southwest Offset Printing Co., Inc. as the firm to provide printing, packaging, and delivery of bus books in support of bus service change communications.



**19. (Continued)**

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2198 between the Orange County Transportation Authority and Southwest Offset Printing Co., Inc., in the amount of \$180,000, for a three-year initial term with two, two-year option terms, to provide printing, packaging, and delivery of bus books in support of bus service change communications, on an as-needed basis.

**20. Amendment to Agreement with MV Transportation, Inc., for the OC ACCESS Service**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to execute Amendment No. 9 to Agreement No. C-2-1865 between the Orange County Transportation Authority and MV Transportation, Inc., in the amount of \$24,377,535, to extend the term of the agreement for an additional six months to operate the OC ACCESS service through December 31, 2021. This will increase the maximum obligation amount of the agreement to \$375,620,065.

**21. Amendment to Agreement with First Transit, Inc., for the Provision of Contracted Fixed-Route Service**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 10 to Agreement No. C-4-1737 between the Orange County Transportation Authority and First Transit, Inc., to allow reimbursement of specific expenses related to the novel coronavirus pandemic on a pass-through basis estimated to be \$1,750,555, for the period March 23 through June 13, 2020.

**22. Bus Operations Performance Measurements Report for the Third Quarter of Fiscal Year 2019-20**

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

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

**23. Approval to Release Request for Proposals for Consultant Services to Prepare the Project Report and Environmental Document for the Interstate 5 Improvement Project from San Diego County Line to Avenida Pico**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2335 for consultant services to prepare the project report and environmental document for the Interstate 5 improvement project from San Diego County Line to Avenida Pico.
- B. Approve the release of Request for Proposals 0-2335 for consultant services to prepare the project report and environmental document for the Interstate 5 improvement project from San Diego County Line to Avenida Pico.

**24. Approval to Release Request for Proposals for the Preparation of Plans, Specifications, and Estimates for the Interstate 5 Widening Project Between Yale Avenue and State Route 55**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2371 for consultant services for the preparation of plans, specifications, and estimates for the Interstate 5 widening project between Yale Avenue and State Route 55.
- B. Approve the release of Request for Proposals 0-2371 for consultant services for the preparation of plans, specifications, and estimates for the Interstate 5 widening project between Yale Avenue and State Route 55.

**25. Taxpayer Oversight Committee Measure M2 Annual Public Hearing Results and Compliance Findings**

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

**26. Approval of the Amended and Restated Orange County Local Transportation Authority 2021 Credit and Fee Agreements**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to:

- A. Approve the Amended and Restated 2021 Credit and Fee Agreements by and among Bank of America, N.A., the Orange County Transportation Authority, and the Orange County Local Transportation Authority each dated as of June 29, 2020, in substantially the form presented to this board at this meeting and in the total amount of \$500 million and authorize the Chief Executive Officer to negotiate and execute the final 2021 Amended and Restated Credit and Fee Agreements.
- B. Authorize the Chair, Vice Chair, Chief Executive Officer, Chief Financial Officer, and Director of Finance and Administration to sign and deliver all documents relating to said agreements, including the credit agreement, fee agreement, incumbency certificate, closing certificate, bank note, receipts, notices, and agreements related thereto.

**27. Resolution to Establish the Orange County Local Transportation Authority/Measure M2 Appropriations Limitation for Fiscal Year 2020-21**

A motion was made by Director Hernandez, seconded by Director M. Murphy, and following a roll call vote, declared passed 17-0, to adopt Orange County Local Transportation Authority/Measure M2 Resolution No. 2020-022 to establish the Orange County Local Transportation Authority/Measure M2 appropriations limit at \$1,890,379,261, for fiscal year 2020-21.

## **Regular Calendar**

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

**28. Zero-Emission Bus Rollout Plan**

Gary Hewitt, Transit Planning Manager, presented a PowerPoint presentation as follows:

- Innovative Clean Transit Regulation;
- What is Included in a Zero-Emission Bus (ZEB) Rollout Plan?;
- Elements of ZEB Deployment;
- Existing OCTA Fleet;
- Vehicle Fueling Technology Key Comparisons;
- OCTA Route Modeling Results;
- ZEB Deployment Strategy by Base;

**28. (Continued)**

- Fixed-Route Bus Purchases Outlook;
- ACCESS Paratransit Bus Purchases Outlook;
- OCTA ZEB Pilots; and
- Next Steps.

Director Bartlett serves on the South Coast Air Quality Management District (SCAQMD) Board, and asked OCTA staff to monitor the various grant programs. Director Bartlett stated the SCAQMD supports zero-emission technology for all types of vehicles.

Director Bartlett also stated there is a portable vehicle cell battery being scaled down in size, and she will keep the Board and OCTA staff apprised on the zero-emission technology for all types of vehicles.

A motion was made by Director Pulido, seconded by Director Bartlett, and following a roll call vote, declared passed 17-0, to:

- A. Direct staff to finalize the Zero-Emission Bus Rollout Plan and submit a final report to the California Air Resources Board as required for compliance purposes.
- B. Adopt Orange County Transportation Authority Resolution No. 2020-055 authorizing the Chief Executive Officer, or designee, to authorize the submittal of the Zero-Emission Bus Rollout Plan to the California Air Resources Board as required by the Innovative Clean Transit regulation.
- C. Direct staff to continue battery-electric and hydrogen fuel-cell electric bus pilot projects and return with periodic performance reports that will be used for future plan updates.

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

**29. OC Streetcar Project Quarterly Update**

Jim Beil, Executive Director of Capital Programs, Cleve Cleveland, Department Manager of OC Streetcar Operations, and Tresa Oliveri, Community Relations Specialist, co-presented a PowerPoint presentation as follows:

- Construction – Segment 1;
- Santa Ana River Bridge;
- Westminster Avenue Bridge;
- Maintenance and Storage Facility;
- Construction – Segments 2 Through 5;

**29. (Continued)**

- Vehicles;
- Vehicle Interior;
- OC Streetcar Outreach – Support; and
- OC Streetcar Outreach – Construction.

Director Shaw commented that several former/current Board Members have been critical of the OC Streetcar project, provided comments about the OC Streetcar, and stated that when M2 was passed by the voters in 2006, M2 included Project S connection to the Metrolink system.

Director Shaw also stated that before today's Board meeting, he reviewed the M2 Project S language with Mr. Johnson, CEO, and asked for further clarification. Mr. Johnson, CEO, provided comments and highlighted the M2 Project S language.

Director Shaw reported that with the updated M2 sales tax revenue forecast and current spending on the OC Streetcar project, Project S will have approximately \$570 million unprogrammed funds that will need Board policy direction, as well as commented on the original M2 polling.

Mr. Johnson stated that the polling of M2 supported transit particularly in the core of Orange County, as well as stated that staff is planning, by early fall 2020, a Board transit vision workshop.

Director Pulido commented that he was on the Board when M2 had polling challenges, and M2 polled better with the inclusion of Project S.

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

**30. Contract Change Order for Hand Digging for Overhead Contact System, Traffic Signal, and Streetlight Pole Foundation for the Construction of the OC Streetcar Project**

Jim Beil, Executive Director of Capital Programs, reported on the reasons for this item's Contract Change Order (CCO).

Director Wagner asked what happens to the left-over contingency funds when the project is completed. Mr. Johnson, CEO, responded that for the project, there is a cost share between federal transit, M2, and federal funds controlled by OCTA and depends on the percentage split, etcetera.

Director Wagner provided concerns about the left-over contingency money, asked why the taxpayers are paying for this CCO, and stated whoever failed the document or the utilities should pay for this change order.

**30. (Continued)**

Mr. Beil provided comments and clarification that the smaller conduit lines are not required to be documented under Government Code Title I, Division V, Chapter 3.

Director Wagner asked how many more of the non-trunk lines will be found over the remainder of the project. Mr. Beil responded that it is unknown, this CCO covers most of the work outside of street area, and the next area of risk will be when the track bed work starts on Santa Ana Boulevard.

Director Wagner urged that with the unprogrammed Project S funds, OCTA does not do something 19<sup>th</sup> Century related that requires hand digging and laying in tracks, as well as stated that the OC Streetcar is a terrible project and terrible idea.

A motion was made by Director Pulido, seconded by Director Winterbottom, and following a roll call vote, declared passed 15-2, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 16.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,400,000, for hand digging for overhead of overhead contact system, traffic signal, and streetlight pole foundations for the construction of the OC Streetcar project.

Directors Steel and Wagner voted in opposition.

**Discussion Items**

**31. Public Comments**

There were no public comments.

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

Darrell E. Johnson, CEO, reported the following:

- The June employees of the month were recognized and congratulated as follows:
  - Sharondra Marks, Coach Operator at the Garden Grove base, started her career with OCTA in November 2002.
  - Leo Diza, Maintenance Journeyman Mechanic, joined OCTA in October 1990 and is located at the Garden Grove base.
  - Chris Boucly, Section Manager, Administrative employee, joined OCTA in December 2014 and works with the public outreach team.

**32. (Continued)**

- Yesterday, William “Willie” Steen, Coach Operator, passed away unexpectedly. In recent years, Willie was the Coach Operator for any special Board tours conducted at the OCTA facilities. Willie was a valued member of the OCTA family and truly will be missed.
- On behalf of OCTA, heartfelt condolences to Willie’s family and friends.

**33. Directors’ Reports**

There were no Directors’ reports.

**34. Closed Session**

There was no Closed Session scheduled.

**35. 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, July 13, 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