

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 September 14, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:00 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 (COB) conducted an attendance Roll Call and announced there was quorum of the Board of Directors (Board) as follows:

Directors Present: Steve Jones, Chairman
Joseph Muller

Via teleconference:

Andrew Do, Vice Chairman
Lisa A. Bartlett
Doug Chaffee
Laurie Davies
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: None

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)
Jennifer L. Bergener, Deputy CEO/Chief Operating Officer
Laurena Weinert, COB
Martha Ochoa, Assistant COB
James Donich, General Counsel (Teleconference)

Invocation

Director Shaw gave the invocation.

Pledge of Allegiance

Director Chamberlain led in the Pledge of Allegiance.

Special Calendar

Orange County Local Transportation Authority Special Calendar Matters

1. Adopt Resolutions of Necessity for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

Chairman Jones opened the hearing, and James Donich, OCTA's General Counsel, provided opening comments. Mr. Donich noted for the record that written comments were received, sent to the Board under separate cover, and will be retained as part of the record for today's Board meeting.

Ross Lew, Program Manager, provided a PowerPoint presentation for this item as follows:

- State Route 55 (SR-55) Improvement Project Resolutions of Necessity Locations;
- Resolution of Necessity No. 2020-063: Raintree Newport Avenue, LLC;
- Resolution of Necessity No. 2020-071: O'Neil Grantor Trust; and
- Four Requirements to be Considered to Adopt Resolutions.

Director Hennessey referenced the objection letters received that noted concerns of not being able to obtain permits for advertising and would OCTA have a plan to address the concern.

Mr. Donich responded that the objection letters would go to evaluation, referenced the four requirements for Board consideration to adopt today's RONS, as well as provided other comments.

A motion was made by Director Hennessey, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to close the hearing.

1. (Continued)

Director Wagner stated his concerns about OCTA moving prematurely with this item that he would oppose. He referenced Page 3 of the Staff Report that OCTA has until July 2021 to secure possession of the subject properties. Director Wagner also referenced today's Board agenda Item 5 budget amendment due to the coronavirus (COVID-19) and agenda Item 17 that telework is expected to increase after COVID-19, as well as provided other comments/concerns.

Director Shaw asked General Counsel about Director Wagner's July 2021 acquisitions timing concerns. Mr. Donich highlighted the acquisition process that is on a very compressed time schedule and staff recommends Board adoption of the RONS.

A discussion ensued between Director Wagner and General Counsel about the July 2021 timeline to secure possession of the interest in the subject property.

A discussion ensued between Director Muller and General Counsel that if the Board approves the recommendation, it would not return to the Board and General Counsel highlighted the process.

Director Muller highlighted some of Director Wagner's points and asked what if OCTA does not take possession of the subject properties by July 2021.

Darrell E. Johnson, CEO, stated this project has a Measure M2 commitment. In 2016, the Board agreed to include a second high-occupancy vehicle lane that comes with some funding from the California Department of Transportation (Caltrans), and the Caltrans funding comes with commitments of delivery that require OCTA to be certified for right-of-way by July 2021.

Mr. Johnson also stated that OCTA submitted a competitive grant application to the California Transportation Commission (CTC) to help fund the shortfall that has commitments on delivery. OCTA anticipates an answer from the CTC by December 2020.

An additional discussion ensued about the July 2021 possession of the subject properties' timeline, potential project costs increases, potential additional RONS coming forward to the Board, and staff encourages the Board to move forward with the project as it relates to Measure M2.

Director Bartlett agrees with prior Directors comments. She felt the project is still needed and the longer OCTA delays there will be significant cost escalations, as well as provided other comments.

1. (Continued)

Director Pulido commented that projects may take longer than expected, staff is telling the Board that the schedule is tight, the Board does want to know about the post-COVID-19 traffic patterns, there is current traffic congestion on the corridor, and this is a much needed project.

Director Wagner provided additional comments, that transportation will change post-COVID-19, and disagrees with taking property without doing a study.

Director Chamberlain provided comments regarding the following:

- There were a lot of comments/questions on congestion in Orange County pre/post-COVID-19.
- During this time period, Caltrans is/has been monitoring the traffic congestion on the SR-55 corridor and all Caltrans corridors.
- He provided additional comments and stated the last three months during a.m. and p.m. peak periods congestion is still a problem on the SR-55 corridor and will be a problem post-COVID-19.
- Caltrans sees additional traffic volumes in the SR-55 corridor and feels this project is needed to remediate and mitigate the congestion, etcetera.
- Uncertain about another extension to the State Highway Operation and Protection Program (SHOPP) funds included for this project.
- If the project is delayed both OCTA and Caltrans will be in front of the CTC to talk about this project and potential SHOPP funds to move the project forward.

A motion was made by Director Pulido, seconded by Director Hennessey, and following a roll call vote, declared passed 13-3, to adopt Resolution of Necessity Nos. 2020-063 and 2020-071, and authorize and direct General Counsel to prepare, commence, and prosecute a proceeding in eminent domain for the purpose of acquiring necessary right-of-way and real property interests for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

Directors Muller, Steel, and Wagner voted in opposition.

Consent Calendar (Items 2 through 16)

Orange County Transportation Authority Consent Calendar Matters

2. Approval of Minutes

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of August 24, 2020.

3. Communications by Independent Financial Statement Auditor

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

4. Coronavirus Update

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

5. Fiscal Year 2020-21 Proposed Budget Amendment

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

- A. Amend the Orange County Transportation Authority's Fiscal Year 2020-21 Budget by reducing the revenue and expense budgets, in the amount of approximately \$28 million, to accommodate updated budget assumptions for revenue and expense items.
- B. Approval of the full Fiscal Year 2020-21 Orange County Transportation Authority member agency contribution to the Southern California Regional Rail Authority, in an amount up to \$28,773,477, including authorization of Federal Transit Administration funds, in an amount up to \$8,500,000, to be drawn down directly by the Southern California Regional Rail Authority. Also included in Southern California Regional Rail Authority's operating subsidy proposal is the direct draw down of The Coronavirus Aid, Relief, and Economic Security Act funding in the amount of \$17,159,239.

5. (Continued)

- C. Authorize Federal Transit Administration funds, in an amount up to \$12,969,650, to be drawn down directly by the Southern California Regional Rail Authority for capital and rehabilitation expenditure budget contingent upon all member agencies' approval of their respective capital and rehabilitation budgets.
- D. Authorize the addition of four new positions to the Orange County Transportation Authority. The four positions are requested to accommodate the Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency's FY 2020-2021 Approved Budget. The four positions include a Project Manager, Senior, Transportation Funding Analyst, Senior, Accounting Analyst, Associate, and a Deputy Managing Director.

6. Orange County Transportation Authority Investment and Debt Programs Report - July 2020

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

7. Award of Agreement for Claims Administration of the Self-Insured Workers' Compensation Program

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

- A. Approve the selection of Intercare Holdings Insurance Services, Inc., to provide claims administration for the Orange County Transportation Authority's Self-Insured Workers' Compensation Program.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2202 between the Orange County Transportation Authority and Intercare Holdings Insurance Services, Inc., in the amount of \$2,445,559, to provide claims administration for the Orange County Transportation Authority's Self-Insured Workers' Compensation Program, for a five-year term.

8. Excess Workers' Compensation Insurance Policy

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A45740, in the amount of \$550,000, to Marsh Risk and Insurance Services, Inc., to purchase excess workers' compensation insurance from Arch Insurance Company on behalf of the Orange County Transportation Authority for the policy period of October 1, 2020 to October 1, 2021.

9. Active Transportation Program Regional Project Selection Process - Orange County Project Prioritization Methodology

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to approve the Orange County project prioritization methodology for the 2021 Active Transportation Program regional project selection process and future Active Transportation Program cycles.

Orange County Transit District Consent Calendar Matters

10. Amendment to Agreement for Janitorial Services

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-7-1723, between the Orange County Transportation Authority and Gamboa Services, Inc., doing business as Corporate Image Maintenance, in the amount of \$2,485,575, to exercise the option term of the agreement from November 1, 2020 through October 31, 2022, for continued janitorial services. This will increase the maximum obligation of the agreement to a total contract value of \$5,787,111.

11. October 2020 Bus Service Change

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

Orange County Local Transportation Authority Consent Calendar Matters

12. Cooperative Agreement with the City of Mission Viejo for the Chrisanta Drive Community Soundwall

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2543 between the Orange County Transportation Authority and the City of Mission Viejo, in the amount of \$215,700, for the City of Mission Viejo to prepare the plans, specifications, and estimates for the Chrisanta Drive community soundwall.

13. Agreement for Metrolink Train Stations Platform Detectable Tiles Replacement and Painted Guideline Restriping Project

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

- A. Find AP Construction, Inc., the apparent low bidder, as non-responsive for failure to complete and submit the List of Subcontractors form with the bid as required by the California Public Contract Code and for failure to sign the Disclosure of Lobbying Activities form as required by the bid instructions and the Federal Transit Administration.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2413 between the Orange County Transportation Authority and Two Brothers Construction Corp., the lowest responsive, responsible bidder, in the amount of \$1,098,000, for the Metrolink train stations platform detectable tiles replacement and painted guidelines restriping project.

14. Environmental Mitigation Program Endowment Fund Investment Report for June 30, 2020

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as information item.

15. Measure M2 Quarterly Progress Report for the Period of April 2020 Through June 2020

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as information item.

16. Measure M2 Project W Safe Transit Stops - 2020 Programming Recommendations

A motion was made by Director Davies, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to approve the award of \$1.03 million in 2020 Project W Safe Transit Stops Program funds to the City of Santa Ana for 35 bus stop improvements.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

17. Employment and Travel Survey Results

Darrell E. Johnson, CEO, provided opening comments and introduced Dr. Tim McLarney, President of True North Research, who provided a PowerPoint presentation as follows:

- Purpose of Study;
- Methodology of Study;
- Most Important Issues;
- Opinion of Coronavirus (COVID-19);
- Employment Status: February and June;
- Change in Employment By Age;
- Change in Employment By Ethnicity and Income;
- Workdays Per Week: February and June;
- Telework Days Per Week: February and June;
- Change in Teleworking By Ethnicity and Income;
- Work Commute Mode: February and June;
- Telework Allowed?: February and June;
- Telework Allowed By Industry;
- Telework Allowed By Occupation;
- Telework Days Preference Post-COVID-19;
- Personal Activities: February vs June;
- Personal Activities: February vs June By Employment; and
- Key Takeaways.

A discussion ensued regarding the following:

- Director Bartlett complimented the survey results and noted the importance to preference the changes relative to unemployment, layoffs, COVID-19 state mandates, etcetera.
 - Dr. McLarney stated that the survey was structured to ask the same questions in the future, as well as responded to Director Bartlett's comments.
- Director Chamberlain inquired if there was a question about the respondent's employer having intentions to continue allowing a higher usage of teleworking post COVID-19. If so, what were the results.
 - Dr. McLarney responded that the question was not asked. Instead, the ask was if the employee, who teleworked from home at least one day per week, if they would continue to increase or decrease telework from home.

17. (Continued)

- Dr. McLarney stated there was no ask to report their employer's policies, clarified why the question was not asked, and the question will be brought forward for a future tracking survey.
- Director Chamberlain also asked if the outcome of the survey respondents answers that post COVID-19 they still would like to continue to telework one to three days a week or was it more than that.
 - Dr. McLarney stated the ask was once that after the pandemic would the employee prefer to increase, keep the same, or decrease the telework days from home as in June. Approximately, 64 percent of the respondents preferred to increase or keep the same telework days from home, and about 35 percent preferred to decrease the telework from home days.
- Director Chamberlain thanked OCTA and Board for the survey, noted that teleworking during COVID-19 is hard to obtain, and today's survey data presentation is key to making decisions going forward.

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

Orange County Local Transportation Authority Regular Calendar Matters

18. OC Streetcar Project Quarterly Update

James G. Beil, Executive Director of Capital Programs, Cleve Cleveland, Manager of OC Streetcar Operations, and Tresa Oliveri, Outreach Manager, co-presented the PowerPoint as follows:

- Construction – Segment 1;
- Westminster Bridge;
- Santa Ana River Bridge;
- Maintenance and Storage Facility;
- Construction – Segments 2 Through 5;
- Project Challenges;
- Upcoming Construction Milestones;
- Vehicles; and
- Outreach – Support.

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

19. Contract Change Order for Vapor Barrier Installation for the Construction of the OC Streetcar Project

James G. Beil, Executive Director of Capital Programs, highlighted the reasons for the vapor barrier that is required by the Regional Water Quality Control Board that was not part of the original design.

A motion was made by Director Davies, seconded by Director R. Murphy, and following a roll call vote, declared passed 12-2, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 9 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$395,717, for installation of a vapor barrier under the maintenance and storage facility.

Directors Steel and Wagner voted in opposition.

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

20. Amendment to Agreement for the Design of the OC Streetcar Project

James G. Beil, Executive Director of Capital Programs, highlighted the reasons for the amendment to increase the design support services during construction of the OC Streetcar project.

Director Hennessey asked about the remaining project contingency. Mr. Beil stated that the contingency is being used quicker than anticipated, the overall project contingency was \$37.962 million, and if the Board approves today's recommendation, the remaining contingency would be \$13.35 million.

Director Hennessey also asked what percentage of the project is remaining and if there will be a potential contingency shortage.

Mr. Beil stated that 50 to 60 percent of the project remains, there could be a contingency shortage, and OCTA is working with the Federal Transit Administration (FTA) to forward-look at risk assessments and cost recovery initiatives.

A motion was made by Director Hennessey, seconded by Director Muller, and following a roll call vote, declared passed 12-1, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 10 to Agreement No. C-5-3337 between the Orange County Transportation Authority and HNTB Corporation, in the amount of \$2,900,000, for continuation of OC Streetcar project design support services during construction. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$23,583,841.

20. (Continued)

Director Steel voted in opposition.

Due to the Levine Act, Director Wagner recused himself.

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

21. Public Comments

The COB stated that a public comment was received from Craig Durfey on September 7, the Board was emailed the comment on September 9, and the comment will be retained as part of the record for today's Board meeting.

22. Chief Executive Officer's Report

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

Virginia Abadessa Retirement:

- Today, is the last Board meeting for Virginia Abadessa – OCTA's Director of Contracts and Materials Management (CAMM) who is retiring next week after more than 33 years of service.
- Ms. Abadessa started as an Assistant Contracts Administrator in 1987 and worked her way up to the Director of the CAMM Department in 1996 where she has served with distinction for nearly 25 years.
- She has always been a staunch defender of the OCTA procurement process – ensuring fairness and open competition for vendors, as well as ensured federal and state rules and regulations were applied.
- Under Ms. Abadessa's leadership, the CAMM department has earned several awards and accolades including the highest honor from the National Procurement Institute.
- During the recent federal triennial review, the FTA reported that OCTA's procurement files were the most organized they had reviewed and OCTA's Disadvantaged Business Enterprise program that Ms. Abadessa administers was the best in the country.
- Ms. Abadessa is highly respected and is frequently contacted by other government agencies to help them institute the types of best practices that she has employed at OCTA.
- Ms. Abadessa is an expert in her field and valuable member of OCTA's team and wished a well-deserved retirement.

Mobility 21 Annual Transportation Summit:

- The Mobility 21 summit takes place this Thursday and Friday.
- Chairman Jones and Directors Bartlett and Shaw will participate in the virtual summit.
- For details about the summit, please advise Mr. Johnson.

23. Directors' Reports

Director Hennessey extended his thank you, gratitude, and complimented Virginia Abadessa for her work at OCTA.

Director Hennessey stated that OCTA is a member agency of Metrolink - Southern California Regional Rail Authority and train safety has paramount importance. He commented that on September 12, 2008 there was a Metrolink train crash that killed 25 people and injured 135 more. Director Hennessey reminded the Board that OCTA is in a business that requires safety awareness and safety consciousness.

24. Closed Session

There were no Closed Sessions scheduled.

25. Adjournment

The meeting adjourned at 10:45 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, September 28, 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