

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 October 12, 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

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
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

Invocation

Director Delgleize 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

James Donich, OCTA's General Counsel, provided opening comments, and Ross Lew, Program Manager, provided a PowerPoint presentation as follows:

- State Route 55 Improvement Project Resolutions of Necessity (RON) Locations;
- RON No. 2020-279 – New Kenyon Apartments LP;
- RON No. 2020-280 – HW-Dyer LLC; and
- Four Requirements to be Considered to Adopt Resolutions.

Director Wagner stated that he opposed this item, concerned about displacement of the apartment tenants, at least nine months to process, coming forward three weeks prior to an election, and asked the Board to oppose.

Chairman Jones opened the hearing for public comments and there were no public comments.

Director Wagner inquired if the apartment tenants were given a notice of this hearing. Mr. Donich stated that the tenants were not provided a notice of the hearing, OCTA is required by statute to provide the hearing notice to the property owner on record, construction begins in July 2022, and OCTA is in negotiations with the apartment property owner. An additional discussion ensued in regards to the apartment property.

Mr. Lew clarified that the right-of-way certification date is estimated to be in October 2021. Director Wagner noted his concerns about the definition of the word necessity, no final word from the apartment owner, and no notice to the affected apartment tenants.

1. (Continued)

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

Vice Chairman Do stated that the Board's action should be guided by what the law requires, as well as provide other comments.

Director Shaw asked Mr. Donich about the Measure M2 language for this item's project and do the apartment tenants have the option to stay during construction.

Mr. Donich stated the apartment complex impact is the inability to use the garages for vehicle storage, a tenant has the option to stay during construction, this project is Project F in Measure M2, and both RONS are temporary construction easements.

A motion was made by Vice Chairman Do, seconded by Director Hernandez, and following a roll call vote, declared passed 14-2, to adopt Resolutions of Necessity Nos. 2020-279 and 2020-280, 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 Steel and Wagner voted in opposition.

Consent Calendar (Items 2 through 17)

Orange County Transportation Authority Consent Calendar Matters

2. Approval of Minutes

A motion was made by Director R. Murphy, seconded by Director M. Murphy, and following a roll call vote, declared passed 16-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of September 28, 2020.

3. Coronavirus Update

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

4. Agreement for Security System Service and Maintenance

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

- A. Approve the selection of Climatec LLC as the firm to provide service and maintenance of the Orange County Transportation Authority's security system.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2341 between the Orange County Transportation Authority and Climatec LLC, in the amount of \$537,600, for a five-year term, to provide service and maintenance of the Orange County Transportation Authority's security system.

5. Approval to Release an Invitation for Bids for Construction of Anaheim Canyon Metrolink Station Improvements

A motion was made by Director R. Murphy, seconded by Director M. Murphy, and following a roll call vote, declared passed 16-0, to approve the release of Invitation for Bids 0-2193 for construction of improvements at the Anaheim Canyon Metrolink Station.

6. Agreement for Facility Modifications at Santa Ana Bus Base for the Interstate 405 Toll Operations Center

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

- A. Find Reed Family Enterprises, Inc., the apparent low bidder, as non-responsive for failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2191 between the Orange County Transportation Authority and Dalke & Sons Construction, Inc., the lowest responsive, responsible bidder, in the amount of \$636,680, for facility modifications at the Santa Ana Bus Base for the Interstate 405 Express Lanes Toll Operations Center.

7. Metrolink Fiscal Year 2019-20 Performance Report

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

Orange County Transit District Consent Calendar Matters

8. Bus Operations Performance Measurements Report for the Fourth Quarter of Fiscal Year 2019-20

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

9. Agreement for the Procurement of 40-Foot Plug-In Battery-Electric Buses

This item was pulled, and the Clerk of the Board noted for the record that a public comment was received by the Clerk of the Board Department on October 12, 2020 at 8:29 a.m. from Ethan Carbaugh from Proterra. The comment was emailed to the Board on October 12, 2020 at 8:42 a.m. and will be retained as part of the record for today's Board meeting.

Darrell E. Johnson, Chief Executive Officer (CEO), referenced the public comment received, and stated that around October 1st, OCTA notified the vendors of the recommended award that was presented and approved at the October 8th Transit Committee meeting.

Mr. Johnson also stated this is the first OCTA has heard concerns from Proterra until this morning. He noted that OCTA needs time to review Proterra's concerns, suggested the Proterra representative communicate directly with OCTA's procurement office, and requested to continue this item for two weeks.

A motion was made by Director Hernandez, seconded by Director Delgleize, and following a roll call vote, declared passed 15-1, to continue this item for two weeks.

Director R. Murphy voted in opposition.

10. Agreement for the Procurement of 40-Foot Compressed Natural Gas-Powered Buses

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

- A. Approve the selection of GILLIG LLC as the firm to provide up to 165, 40-foot compressed natural gas-powered buses, with an option to purchase up to 134 additional buses.

10. (Continued)

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-9-1836 between the Orange County Transportation Authority and GILLIG LLC, in the amount of \$100,371,600, for the purchase of up to 165, 40-foot compressed natural gas-powered buses, with an option to purchase up to 134 additional buses.

Orange County Local Transportation Authority Consent Calendar Matters

11. Cooperative Agreement with the California Department of Transportation for the State Route 91 Improvement Project Between State Route 57 and State Route 55 and Authority to Acquire Right-of-Way

A motion was made by Director R. Murphy, seconded by Director M. Murphy, and following a roll call vote, declared passed 15-0, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-0-2583 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$970,000, to perform right-of-way support services for the State Route 91 Improvement Project between State Route 57 and State Route 55.
- B. Authorize the use of up to \$39.602 million in State Route 91 Express Lanes excess revenue funding for right-of-way capital and right-of-way support services for the following projects:
 - State Route 91 from State Route 55 to Lakeview Avenue (Segment 1) - \$5.926 million
 - State Route 91 from La Palma Avenue to State Route 55 (Segment 2) - \$28.166 million
 - State Route 91 from Acacia Street to La Palma Avenue (Segment 3) - \$5.510 million
- C. 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.
- D. Authorize the Chief Executive Officer to initiate discussions with property owners and utility owners, make offers, and execute agreements for the acquisition of all necessary real property interests and necessary utility relocations.

Due to a potential conflict of interest with the Levine Act, Vice Chairman Do did not vote on this item.

12. Amendment to Cooperative Agreement with the City of Fountain Valley for the Interstate 405 Improvement Project

A motion was made by Director R. Murphy, 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. 5 to Cooperative Agreement No. C-5-3613 between the Orange County Transportation Authority and the City of Fountain Valley, in the amount of \$374,000, for the procurement and installation of emergency vehicle preemption at 28 proposed signal locations, as part of the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$5,023,708.

13. Contract Change Orders for the Interstate 405 Improvement Project from State Route 73 to Interstate 605

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

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 3.2 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$2,200,000, to provide additional extra maintenance work.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 78 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$537,436, to provide parking lot improvements at the United States Postal Service property.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 79 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$270,528, to provide an extension of the third westbound lane on Talbert Avenue to Cashew Street.
- D. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 80 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$579,604, to provide a temporary bypass waterline for the Goldenwest Street overcrossing bridge.

14. Consultant Selection for the Preparation of 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 R. Murphy, seconded by Director M. Murphy, and following a roll call vote, declared passed 15-0, to:

- A. Approve the selection of Advanced Civil Technologies as the firm to prepare the project report and environmental document for the Interstate 5 improvement project from the San Diego County Line to Avenida Pico.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2335 between the Orange County Transportation Authority and Advanced Civil Technologies to prepare the project report and environmental document for the Interstate 5 improvement project from the San Diego County Line to Avenida Pico.

Due to a potential conflict of interest with the Levine Act, Vice Chairman Do did not vote on this item.

15. Measure M2 Senior Mobility Program Temporary Guideline Exceptions

Director Wagner pulled this item, stated this item is a great program that he supports, a great example of focused help to the vulnerable in need, provided other comments, and complimented staff.

A motion was made by Director Wagner, seconded by Director M. Murphy, and following a roll call vote, declared passed 15-1, to:

- A. Approve a temporary exception of the Senior Mobility Program guideline requirements related to service guidelines and service plan amendments, allowing agencies to use funds to provide the delivery of meals to seniors who had previously used city-provided transportation to travel to nutrition programs, from March 4, 2020 until Governor Newsom lifts the State of Emergency.
- B. Approve a temporary exception to the Senior Mobility Program guideline requirement related to funding distribution to suspend and hold allocations in reserve for agencies with suspended services until the State of Emergency is lifted or transportation services resume, whichever happens first.

Director Steel voted in opposition.

16. 2020 Project X - Environmental Cleanup Program Tier 1 Call for Projects - Programming Recommendations

A motion was made by Director R. Murphy, seconded by Director M. Murphy, and following a roll call vote, declared passed 16-0, to approve 12 projects, in the amount of \$2,800,000, for the 2020 Tier 1 Environmental Cleanup Program Tier 1 call for projects.

**Orange County Service Authority For Freeway Emergencies
Consent Calendar Matters**

17. Approval to Release Request for Proposals for Freeway Service Patrol Services

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

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2574 for Freeway Service Patrol services.
- B. Approve the release of Request for Proposals 0-2574 for Freeway Service Patrol services for four service areas effective October 2, 2021 through October 2, 2027 and two service areas effective December 4, 2021 through October 2, 2027.

Regular Calendar

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

18. Fullerton Park-and-Ride Joint Development Study

Kurt Brotcke, Director of Planning, provided a PowerPoint presentation as follows:

- OCTA's Joint Development Policy;
- Federal Transit Administration Guidance/Limitations;
- Joint Development Process Overview;
- Site History: Fullerton Park-and-Ride;
- Current Conditions;
- Phase 1 Study;
- Phase 1 Assumptions;
- City of Fullerton;
- Future Phase 2 Study; and
- Joint Development Process Overview.

18. (Continued)

A motion was made by Director Pulido, seconded by Director Shaw, and following a roll call vote, declared passed 16-0, to direct staff to work with the City of Fullerton and stakeholders to further explore joint development opportunities at the Fullerton Park-and-Ride facility.

Orange County Transportation Authority Regular Calendar Matters

19. Contract Change Orders for the Construction of the OC Streetcar Project

Jim Beil, Executive Director of Capital Program, highlighted the reasons for this item's contract change orders.

A motion was made by Director Hernandez, seconded by Director Pulido, and following a roll call vote, declared passed 14-2, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 18 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$300,000, to increase the allowance for removal of man-made objects.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 24.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$845,985, for overhead contact system sectionalization.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 30.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$320,164, to conduct electrical continuity testing.

Directors Steel and Wagner voted in opposition.

Discussion Items

20. Orange County Coronavirus Travel Trends

Darrell E. Johnson, CEO, provided opening comments and introduced Kurt Brotcke, Director of Planning, who provided a PowerPoint presentation as follows:

- Orange County (OC) Coronavirus Travel Impacts;
- Unemployment: A Key Driver of Travel Changes;
- Job Losses: Not Evenly Distributed;
- Google Maps: Most Activities Down in OC With Some Exceptions;
- OCTA Survey: Some Activities Up, Others Down;
- Results: Total Travel is Down (Person-Trips; All Modes);
- OC Freeways: Demand/Delay Down But Trending Upward;
- OC Freeways: Delay Shifting In Time (Delay In Hours);
- OC Freeways: Delay Increases Exponentially As Traffic Grows;
- OC Work-From-Home: Five-Fold+ Increase;
- Work-From-Home: Likely To Continue But Lessen;
- Summary; and
- Next Steps.

A discussion ensued regarding:

- Director Hennessey inquired about future OCTA policy decisions to encourage work from home.
- OCTA had preliminary discussions with larger employers, Orange County Business Council, and California Department of Transportation (Caltrans) about remote work from home, and is part of OCTA's planning process to reduce congestion.
- Director Wagner referenced Slide 7 of the PowerPoint and asked what is attributed to the decline in person-trips.
- OCTA had aggregated data from the Bureau of Transportation that uses location-based service data for the person-trips.
- There is lack of data on people shifting from arterials to freeways and freeways to arterials, and OCTA is exploring options for obtaining data.
- Director Bartlett appreciated the travel pattern commentary, and noted there are many factors to the travel patterns (e.g., layoffs, reduction in unemployment benefits, OC economy not opened to the extent preferred at this time, OC is still in the "Red Tier", etcetera.

21. Public Comments

There were no public comments.

22. Chief Executive Officer's Report

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

- OC Chapter of the Public Relations Society of America (Chapter) -
 - The Chapter's 45th annual PROTOS Awards were recently held to honor the region's top public relations professionals, programs, and campaigns.
 - OCTA received two Awards of Excellence for the following:
 - OCTA's "Crisis Communications & Issues Management Program on OCTA's Coronavirus Awareness and Customer Education" campaign.
 - OCTA's Corporate Blog "On the Move".
 - Staff who worked on these campaigns were congratulated.
- OCTA Studies Underway -
 - The South Orange County Multimodal Transportation Study will review transportation needs in south OC and identify improvements through 2045. Information is available at octa.net/SouthOCStudy.
 - The Freeway Bus Rapid Transit (BRT) Concept Study was launched earlier this year, in partnership with Caltrans. This will develop a conceptual plan for two freeway BRT routes on the following:
 - Interstate 5 from Fullerton to the Laguna Niguel/ Mission Viejo Metrolink Station.
 - State Route 55 from Santa Ana to Newport Beach.
 - OCTA is hosting a virtual public webinar for this study this Wednesday from 5:30 p.m. to 6:30 p.m.
 - To register for the webinar and for more information about the BRT study go to octa.net/freewayBRT
- Laurena Weinert, Clerk of the Board, Retirement –
 - After 36 years of dedicated service, Ms. Weinert is retiring from OCTA and her last day will be on November 19th.

23. Directors' Reports

There were no Directors' reports.

24. Closed Session

There were no Closed Sessions scheduled.

25. Adjournment

The meeting adjourned at 10:12 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, October 26, 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