

Minutes of the  
Orange County Transportation Authority  
Orange County Transit District  
Orange County Local Transportation Authority  
Orange County Service Authority for Freeway Emergencies  
Board of Directors Meeting

## **Call to Order**

The January 25, 2021, 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 (COB) conducted an attendance Roll Call and announced there was quorum of the Board of Directors (Board) as follows:

***Via teleconference:***

Andrew Do, Chairman  
Mark. A. Murphy, Vice Chairman  
Lisa A. Bartlett  
Doug Chaffee  
Barbara Delgleize  
Brian Goodell  
Patrick Harper  
Michael Hennessey  
Gene Hernandez  
Steve Jones  
Joseph Muller  
Vicente Sarmiento  
Tim Shaw  
Harry S. Sidhu  
Donald P. Wagner

Director Absent: Ryan Chamberlain, District Director  
California Department of Transportation District 12

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)  
Jennifer L. Bergener, Deputy CEO/Chief Operating Officer  
Gina Ramirez, Deputy Clerk of the Board  
Sahara Meisenheimer, Deputy Clerk of the Board  
James Donich, General Counsel (via teleconference)

## **Invocation**

Director Bartlett gave the invocation.

## **Pledge of Allegiance**

Director Jones led in the Pledge of Allegiance.

## **Special Calendar**

### **1. Administration of the Oath of Office to New Orange County Transportation Authority Board of Director**

James Donich, General Counsel, administered the Oath of Office to new Board Member Patrick Harper.

### **2. 2021 Board of Directors and Chief Executive Officer Initiatives and Action Plan**

Chairman Do provided opening comments and thanked Vice Chairman Murphy for his input. He highlighted the three 2021 OCTA Board strategic initiatives as follows:

- Financial Stewardship, Sustainability, and Resilience;
- Reliable, Accessible, and Balanced Transportation Choices; and
- Organizational Excellence and Collaboration.

Darrell E. Johnson, Chief Executive Officer (CEO), stated he and staff developed nine CEO initiatives that include an action plan to support the Board's Strategic Initiatives and will be measured through 96 milestones.

To support the Board's Financial Stewardship, Sustainability, and Resiliency Initiative, they will continue to focus on:

- Fiscal Responsibility and Effective Measure M2 Administration;
- Plan and Adapt to a Changing Environment, and;
- Champion Environmental Stewardship and Sustainability.

To support Reliable, Accessible, and Balanced Transportation Choices Initiative, they will continue to focus on:

- Balanced Public Transportation Options and Solutions;
- Deliver Improvements to Fulfill Measure M Promises, and;
- Engage with Diverse and Disadvantaged Communities.

**2. (Continued)**

To support Organizational Excellence and Collaboration Initiative, they will continue to focus on:

- Enhance Workforce Diversity and Inclusive Work Culture;
- Adapt to a Changing Workplace and Promote Employee Development and Safety;
- Negotiate and renew the Coach Operator and Transportation Communications Union Collective Bargaining Agreement; and
- Modernization for a potential new headquarters and advancing the remote work program.

Mr. Johnson, CEO, stated even with the ongoing challenges of the coronavirus (COVID-19) pandemic, OCTA is moving forward with ambitious plans to evolve and improve transportation. Any further detail on these initiatives' progress is monitored regularly, and updates will be presented to the Board each quarter.

No action was taken on this information item.

**Consent Calendar (Items 3 through 16)**

**3. Approval of Minutes**

Approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of January 11, 2021.

**4. Fiscal Year 2019-20 Annual Financial Statement Audits, Single Audit, and Agreed-Upon Procedures Reports**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file the fiscal year 2019-20 annual financial statement audits, Single Audit, and agreed-upon procedures reports as information items.

Director Wagner was not present to vote on this item.

**5. Fiscal Year 2020-21 Internal Audit Plan, Second Quarter Update**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file the second quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2020-21 Internal Audit Plan as an information item.

Director Wagner was not present to vote on this item.

**6. Approval of 2021 Orange County Transportation Authority Board Committees and External Agencies' Assignments**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to:

- A. Approve the Chairman's assignments for the 2021 Orange County Transportation Authority Board Committees comprised of the Executive, Finance and Administration, Legislative and Communications, Regional Planning and Highways, State Route 91 Advisory, Transit, and Environmental Oversight Committees.
- B. Receive the Chairman's assignments for 2021 external agencies comprised of the California Association of Councils of Governments, Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency, Mobile Source Air Pollution Reduction Review Committee, Southern California Association of Governments' Regional Council, Orange County Council of Governments, and Southern California Regional Rail Authority.

Director Wagner was not present to vote on this item.

**7. Fiscal Year 2020-21 First Quarter Budget Status Report**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file as an information item.

Director Wagner was not present to vote on this item.

**8. Orange County Transportation Authority Investment and Debt Programs Report - November 2020**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file as an information item.

Director Wagner was not present to vote on this item.

**9. State Legislative Status Report**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file as an information item.

Director Wagner was not present to vote on this item.

**10. Federal Legislative Status Report**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file as an information item.

Director Wagner was not present to vote on this item.

**11. Extension of Coronavirus-Related Leaves**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to:

- A. Approve the extension of employees' ability to use Emergency Paid Sick Leave to provide compensation relief for coronavirus-related absences.
- C. Authorize the Chief Executive Officer, or designee, to administer continuation of Emergency Paid Sick Leave and Expanded Family Medical Leave for employees, effective January 1, 2021 until March 31, 2021, and allow program extension beyond that date as necessary to accommodate need and with notification to the Board of Directors.

Director Wagner was not present to vote on this item.

**12. Amendment to Agreement for Bus Advertising Revenue Program**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-5-3076 between the Orange County Transportation Authority and Outfront Media Group, LLC, to eliminate the minimum annual guarantee and adopt a payment term based solely on a 70 percent revenue-sharing arrangement through December 2021.

Director Wagner was not present to vote on this item.

**13. Award of Agreement for the Purchase of Electric Vehicle Chargers and Energy Management System**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to:

- A. Approve the selection of ChargePoint, Inc., as the firm to provide up to 72 electric vehicle charging stations with an energy management system.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2692 between the Orange County Transportation Authority and ChargePoint, Inc., in the amount of \$484,331, to provide up to 72 electric vehicle charging stations with an energy management system, for a five-year initial term effective February 1, 2021 through January 31, 2026, with one, three-year option term.

Director Wagner was not present to vote on this item.

**14. Sole Source Agreement for the Operations and Maintenance of Fluid Management System**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-0-2615 between the Orange County Transportation Authority and S&A Systems, Inc., in the amount of \$644,296, for a four-year initial term with one, three-year option term, for the operations and maintenance of the current fluid management system.

Director Wagner was not present to vote on this item.

**15. February 2021 Bus Service Change**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to receive and file as an information item.

Director Wagner was not present to vote on this item.

**16. Measure M2 Community-Based Transit Circulators Program Project V Ridership Report and Proposed Program Revisions**

A motion was made by Director Hernandez, seconded by Director Sidhu, and following a roll call vote, declared passed 14-0, to:

- A. Receive and file the Project V Ridership Report as an information item.
- B. Approve Project V Program revisions related to the impacts of the coronavirus and recent internal audit recommendations.
- D. Authorize the Chief Executive Officer to negotiate, execute, and amend as necessary all existing cooperative agreements for Project V services, in order to implement the recommendation above.

Director Wagner was not present to vote on this item.

**17. OC Streetcar Project Quarterly Update**

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

- Agenda;
- OC Streetcar Features;
- Construction – Segment 1;
- Westminster Bridge;
- Santa Ana River Bridge;
- Maintenance and Storage Facility (MSF);
- Construction – Segments 2 through 5;
- Track Installation at Bristol Intersection;
- Upcoming Construction Milestones;
- Project Challenges;
- Vehicles; and
- Outreach.

A lengthy discussion ensued regarding:

- Quality control efforts and the number of issues require more oversight due to the number of unknown field conditions, the volume of requests for information, and staffing the project correctly;
- Clarification on the request for information which is a process defined in the contract;
- Tactics that contractors use to cause a delay;
- Methods for managing the contracts;
- Overview of the Federal Transit Administration (FTA) involvement, reviews, and authority.

**17. (Continued)**

Director Hennessey requested that staff return to the Board to summarize the various change orders from the beginning to the present that caused significant budget increases on this project.

Mr. Johnson, CEO, responded that the recommendation today is a receive and file, and staff would be returning to the Board in February with an update. Staff will be happy to provide a detailed summary of the change orders. He also noted that the budget has not changed up until now.

Director Delgleize echoed Director Hennessey's remarks and discussed her concerns about Walsh Construction Company II, LLC.

Director Sarmiento thanked the staff for briefing him on this project and stated that the project is like any other that has challenges. These are common issues, and he applauded the staff's efforts to be forward-thinking and making sure that OCTA is prepared to handle any obstacles in the future.

Chairman Do stated that Director Sarmiento raised some excellent points, and many unforeseen challenges have added to the complexities of the project.

Director Wagner concurred with Director Sarmiento's points regarding staff and stated this project is already an expensive one to Orange County taxpayers. He is interested in hearing about the reporting of the unusual items and requested information on rail construction projects in California that have stayed within budget and on-time.

Mr. Johnson, CEO, responded that "rail projects" is a broad term; however, they would be happy to provide an outline of FTA funded projects in the State.

Following the discussion, no action was taken on this receive and file as an information item.

**18. Contract Change Orders for the Construction of the OC Streetcar Project**

Chairman Do queried the Board if a presentation was needed and then asked for a motion to approve.

A motion was made by Director Hernandez, seconded by Director Goddell, and following a roll call vote, declared passed 13-2, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 43 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$372,136, for the acquisition of updated communications equipment.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 48 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,177,362, for removal of thicker asphalt concrete pavement from City of Santa Ana streets.
- C. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 16.2 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,400,000, for additional hand digging of overhead contact system, traffic signal, and streetlight pole foundations.

Directors Muller and Wagner voted in opposition.

**Discussion Items**

**19. Public Comments**

The DCOB stated that a public comment was received by the COB Department on January 24<sup>th</sup> from Craig A. Durfey, the Board was emailed the comment on January 25<sup>th</sup> at 8:19 a.m., and the comment will be retained as part of the record for today's Board meeting.

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

Mr. Johnson, CEO, reported on the following:

January Employees of the Month Recognition -

- The Operations Employee of the Month is David Duran, a Coach Operator at the Santa Ana base who started his driving career with OCTA in July 2013.
- The Maintenance Employee of the Month is Jose Tamayo, who joined OCTA in May 1989 as an Equipment Parts Clerk at the Garden Grove base.
- The Administrative Employee of the Month is Debbie Sanders, who started as a contractor for OCTA in 1996 and became an employee in April 2002. Debbie has been instrumental in our ongoing effort to host the Board meetings virtually and more recently with the implementation of Zoom for the Board meetings.
- OCTA's January Employees of the Month were congratulated.

Vaccine Update -

- Mr. Johnson, CEO, stated that OCTA is monitoring Orange County's rollout of the COVID-19 vaccine.
- OCTA continues to offer whatever assistance to help ensure as many people receive the vaccine as quickly as possible.
- Last week, OCTA sent a bus to transport a group of medical workers to a senior center in Santa Ana, enabling seniors to receive the vaccine.

**21. Directors' Reports**

Director Harper inquired about the Public Comments process and if the comments will be provided to the public.

James Donich, General Counsel, responded under the protocols, they are immediately made available to the Board and noted and attached in the minutes.

Director Harper thanked staff for getting him oriented and looks forward to working with the Board on the various Committees.

Director Hennessey stated the Finance and Administration Committee welcomes Director Harper.

Chairman Do discussed the open seat for Director Winterbottom's vacancy and stated he would prepare a memo with more specifics to start recruiting for the Public Member vacancy. The Board is hoping to fill the position by the end of March.

**22. Closed Session**

James Donich, General Counsel, announced that a Closed Session will be held for:

Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 (Teamsters) regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of Human Resources and Organizational Development, and the lead negotiator for the Teamsters is to be appointed by the Teamsters.

There was no report out for the above noted Closed Session item.

**23. Adjournment**

The meeting adjourned at 10:08 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, February 8, 2021**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

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Gina Ramirez  
Deputy Clerk of the Board

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Andrew Do  
Chairman