

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 Monday, February 8, 2021, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Do 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:

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
Joseph Muller
Vicente Sarmiento
Tim Shaw
Harry S. Sidhu
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
Gina Ramirez, Deputy Clerk of the Board
Sahara Meisenheimer, Deputy Clerk of the Board
James Donich, General Counsel (via teleconference)

Invocation

Director Delgleize gave the invocation.

Pledge of Allegiance

Director Hernandez led in the Pledge of Allegiance.

Special Calendar

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

Chairman Do opened the hearing and introduced James Donich, General Counsel, who provided opening comments about the four proposed Resolutions of Necessity (RON). He also discussed the four factors that the Board must consider when adopting these RON's to obtain the properties.

Mr. Donich discussed the public hearing notice timeline requirements for both the property owners and OCTA. He stated there were no requests to be heard by the public for three of the RON's. However, for RON No. 2021-006, the counsel representing the owners agreed to submit their objections in writing. He also noted the written comments were received and sent to the Board under separate cover and retained as part of today's Board meeting record.

Mr. Donich stated the objections in the counsel's letter raised objections to the four requirements referenced on Slide 17 of the PowerPoint that staff will be presenting. He also noted the Board is within its full rights to disagree with staff and not approve the RON's. Each Board Member can vote whether or not they want to acquire this property and move this process along to file an action with the court and allow the court to determine whether or not what OCTA has done to date, complies with applicable statutes.

Mr. Donich stated these RON's require an affirmative vote of 12 Board Members, which is two-thirds of the Board to approve. If the Board adopts these RON's, they will move forward and file an action for each of these four RON's. He stated that he is in full agreement with the staff and believes the Board can adopt all four of these RON's.

1. (Continued)

Mr. Donich introduced Ross Lew, Program Manager, who provided a PowerPoint presentation for this item as follows:

- State Route 55 (SR-55) Improvement Project Resolutions of Necessity Locations;
- Resolution of Necessity No. 2021-003: Moda Rentals;
- Resolution of Necessity No. 2021-004: DL Investments SA;
- Resolution of Necessity No. 2021-005: 1560 E. Warner Avenue LP;
- Resolution of Necessity No. 2021-006: WTW Properties; McFadden-Dale Industrial Hardware; B&C Properties; and
- Four Requirements to be Considered to Adopt Resolutions.

A discussion ensued regarding the following:

- The RON's are standard objections to the acquisitions.
- The court will look at all of these things, and if for some reason OCTA has not done something required to statutorily, then the court will inform OCTA, and the process will have to start over again.
- The number of property owners that are still pending.
- The process used when OCTA is acquiring property necessary for a project.
- The aggregate amount of the areas are nominal and not impacting the remaining parcels.
- The permanent highway easement varies between three to five feet.
- Decrease of the landscape buffer zone.

Chairman Do stated that Mr. Donich addressed the public comments, and the public hearing was closed.

A motion was made by Director Hernandez, seconded by Director Delgleize, and following a roll call vote, declared passed 14-1, to adopt Resolutions of Necessity Nos. 2021-003, 2021-004, 2021-005, and 2021-006, 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.

Director Wagner voted in opposition.

2. Presentation of Resolutions of Appreciation for Employees of the Year for 2020

Chairman Do provided opening comments and introduced Darrell E. Johnson, Chief Executive Officer (CEO), who presented the OCTA Resolutions of Appreciation Nos. 2021-007, 2021-008, 2021-009 to Ricardo Serna, Coach Operator, Travis Corey, Maintenance, and Barry Reynolds, Administration, as Employees of the Year for 2020.

Consent Calendar (Items 3 through 14)

3. Approval of Minutes

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of January 25, 2021.

4. Comprehensive Transportation Funding Program, Oversight and Reporting Controls, Internal Audit Report No. 20-512

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to direct staff to implement one recommendation provided in Comprehensive Transportation Funding Program, Oversight and Reporting Controls, Internal Audit Report No. 20-512.

5. Coronavirus Update

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to receive and file as an information item.

6. Recruitment for Public Member Appointment

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to direct the Chief Executive Officer to follow the past Board of Directors' process when there is a public member vacancy to include publicly noticing the vacancy and announce the recruitment of a public member to serve on the Orange County Transportation Authority Board of Directors through media outlets, notifications to cities, community organizations, and to the County of Orange.

7. Fiscal Year 2020-21 Proposed Budget Amendment

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to:

- A. Amend the Orange County Transportation Authority's Fiscal Year 2020-21 approved budget increasing the revenue and expense budget in the amount of approximately \$4.7 million to accommodate updated budget assumptions for both revenue and expense items.
- B. Amend the Orange County Transportation Authority's Fiscal Year 2020-21 Personnel and Salary Resolution and budget to adjust the Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency Deputy Managing Director position from a salary grade V to a salary grade X.

8. Second Quarter Fiscal Year 2020-21 Procurement Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to receive and file as an information item.

9. Orange County Transportation Authority Investment and Debt Programs Report - December 2020

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to receive and file as an information item.

10. Capital Programs Division - Second Quarter Fiscal Year 2020-21 Capital Action Plan Performance Metrics

Director Shaw pulled this item and commented on the long process of the Placentia Metrolink Station project.

Director Chafee also commented on the item, stating it would revitalize downtown Placentia and bring more jobs. He also noted the County has entered into an enhanced infrastructure financing between the County and the City of Placentia. He is hopeful to move the project forward and resolve the issues this year.

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

11. Amendment to Agreement for Program Management Consultant Services for Highway Programs

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 11 to Agreement No. C-5-3767 between the Orange County Transportation Authority and Mott MacDonald, LLC, to exercise the two-year option term for program management consultant services for the Highway Programs Department, in the amount of \$14,900,000, and extend the term of the agreement through August 23, 2023. This will increase the maximum obligation of the agreement to a total contract value of \$39,680,661.

12. Capital Programming Update

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to:

- A. Authorize the use of \$10.579 million in Measure M2 funds for the Interstate 5 improvements from Interstate 405 to Yale Avenue (Segment 1).
- B. Authorize the use of \$3.240 million in Highway Infrastructure Program funds for the State Route 57 Improvement Project from Orangewood Avenue to Katella Avenue.
- C. Authorize the use of \$4.766 million in Federal Surface Transportation Block Grant or Congestion Mitigation and Air Quality Improvement funds for the following transit projects:
 - \$4.500 million in Congestion Mitigation and Air Quality Improvement funds for the rideshare and vanpool programs.
 - \$0.266 million in Surface Transportation Block Grant funds for the Orange County Mobility Hub Strategy.
- D. 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.

13. Award of Agreement for Regional Modeling Traffic Operations On-Call Support Staffing

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to:

- A. Approve the selection of W.G. Zimmerman Engineering, Inc., as the firm to provide on-call support staffing services for the Regional Modeling Traffic Operations section.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2608 between the Orange County Transportation Authority and W.G. Zimmerman Engineering, Inc., in the amount of \$400,000, for a two-year initial term with two, two-year option terms.

14. Measure M2 Environmental Cleanup Program - Project X Tier 1 Grant Program Call for Projects

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 15-0, to:

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs Guidelines for the Environmental Cleanup Program Tier 1 Program.
- B. Authorize staff to issue the fiscal year 2021 Environmental Cleanup Program Tier 1 call for projects.

Regular Calendar

15. South Orange County Multimodal Transportation Study Update

Darrell E. Johnson, Chief Executive Officer (CEO), provided opening comments and introduced Warren Whitaker, Principal Transportation Analyst, who provided a PowerPoint presentation on the following:

- Study Objectives;
- Study Background;
- Study Scope Highlights;
- Public and Partner Agency Engagement;
- Transportation Issues and Opportunities;
- Purpose and Need Statement;
- Conceptual Strategies;
- Initial Alternative Strategies – Scenarios; and
- Next Steps.

15. (Continued)

Director Bartlett thanked Mr. Whitaker for the thorough presentation and stated this mirrors what is happening in south county. She noted the current transportation system south county has in place does not include many freeway options to get around, and drivers must rely on the arterials like the North and Southbound Interstate 405 and the Interstate 5 (I-5).

Director Bartlett also stated south county is unique because of the successful transportation modes like the trolley system and the OC Flex program. She said looking at the three transportation infrastructure projects while continuing stakeholder output, and OCTA moving these projects forward, is a step in the right direction.

Director Muller echoed Director Bartlett's comments and thanked the staff for all the hard work with city staff, particularly in Dana Point. He stated that the staff has been working hard and is looking at connectivity options towards the beaches and the double-tracking opportunities.

Director Muller stated he would like to discuss with the Regional Planning and & Highways Committee an application that will allow OCTA to schedule different transportation modes in south county. He stated that light rail is ultimately a solution and staff needs to start looking at it in a little more depth.

Director Hernandez raised his concern about these projects since the Southern California Association Of Governments tends to use these projects in transportation to justify expanding the Regional Housing Needs Assessment (RHNA) numbers because these projects are projected and not confirmed.

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

Director Do stated he would like to expand the Regional Planning and Highways Committee to eight members and inquired with James Donich, General Counsel if he was legally allowed to expand the membership.

Mr. Donich responded the Chairman could develop memberships for any committee of the Board at any time. He noted this would be subject to approval by the rest of the Board as long as it is below nine members, then there wouldn't be quorum issues of the actual board.

Mr. Donich stated that staff could bring forward the item to the next Board meeting, similar to how staff brings items in January of each year, with the election of the new Chairman, Vice Chairman, and the various Board Committees.

15. (Continued)

Chairman Do inquired if adding a member to a Committee had been done before at OCTA.

Mr. Johnson, CEO, stated that OCTA has had eight-member Committees in the past. As Mr. Donich indicated, the administrative code of OCTA gives Board discretion to the Chairman to establish committee memberships.

Chairman Do requested that staff add this item to the next Board meeting agenda.

Mr. Johnson CEO, responded that staff would be happy to add an item for committee membership to the next Board meeting.

Discussion Items

16. Public Comments

There were no Public Comments.

17. Chief Executive Officer's Report

Mr. Johnson CEO, reported on the following:

Construction Outreach -

- OCTA will host an online community meeting for the I-5 South County Improvements Project on Wednesday, February 10th, from 5:30 p.m. to 7:00 p.m.
- This will be the first virtual community meeting for Segment 3 of the project, which stretches from Alicia Parkway to El Toro Road.
- The pandemic forced OCTA staff to go virtual with outreach events. However, staff has found that there has been excellent attendance since people do not have to leave their homes to participate. He noted that a recording of the meeting is posted on the public's project website to view at their convenience following the meeting.

Mask Mandate -

- As mentioned in the regular coronavirus update to the Board on the Consent calendar today, the new Administration has followed the state, and made mask-wearing while using public transit a federal requirement. And last week, the Transportation Security Administration issued a security directive requiring that OCTA inform passengers.

17. (Continued)

- Mr. Johnson, CEO stated since May of last year OCTA has required masks on all OC buses. Staff is using the new federal requirement as an opportunity to remind passengers and reinforce OCTA's safety messages.
- OCTA is rolling out new annunciator messages on all buses, and the head signs are being updated with a "No Mask, No Ride" message.
- Last week, staff sent an update to OCTA coach operators reminding them of the importance of informing passengers about the mask requirements while also avoiding any conflicts with enforcement.

18. Directors' Reports

There were no Directors Reports.

19. Closed Session

There were no Closed Session items scheduled.

20. Adjournment

The meeting adjourned at 10:05 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, February 22, 2021**, at the Orange County Transportation Authority Headquarters, Board Room - Conference Room 07-08, 550 South Main Street, Orange, California.

ATTEST:

Gina Ramirez
Deputy Clerk of the Board

Andrew Do
Chairman