

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 22, 2021, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Do 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
Ryan Chamberlain, District Director –
California Department of Transportation District 12

Director Absent: None

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)
 (via teleconference)
 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 Chaffee provided the invocation.

Pledge of Allegiance

Director Goodell led in the Pledge of Allegiance.

Special Calendar

There were no Special Calendar matters.

Consent Calendar (Items 1 through 13)

1. Approval of Minutes

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of February 8, 2021.

2. Audit Responsibilities of the Finance and Administration Committee

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to approve the Audit Responsibilities of the Finance and Administration Committee.

3. Approval of Revised 2021 Orange County Transportation Authority Board Committee Assignments

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to approve the Chairman's Revised 2021 Orange County Transportation Authority Board Committee assignments, adding Director Joseph Muller to the Regional Planning and Highways Committee.

4. 91 Express Lanes Update for the Period Ending - December 31, 2020

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

5. Agreement for On-Call Planning Studies Public Outreach Consultant Services

Director Wagner pulled this item and requested a full explanation of why staff chose the more expensive vendor for this procurement.

Darrell E. Johnson, Chief Executive Officer (CEO), referred to Andrew Oftelie, Chief Financial Officer (CFO), to provide detailed answers and give a more thorough explanation of the procurement.

Mr. Oftelie, CFO, stated that the Orange County Transportation Authority (OCTA) uses the best value proposal with this and any procurement. He said staff looked at other elements other than the price, and in this case, the recommended firm is a higher price than the second-place firm.

Mr. Oftelie, CFO, asked the External Affairs staff to discuss the other elements of the proposal, where the recommended firms scored higher for additional details.

Marissa Espino, Principal, Community Relations Specialist, discussed why Arrellano and Associates, LLC (Arrellano) stood out as the best-qualified firm. She stated that Arrellano's strong proposal and interview during the evaluation process clearly illustrated their vast experience in conducting outreach for transportation planning studies. Ms. Esponso said Arrellano thoughtfully outlined their experience as an agency and outlined each team member's background. Also, Arrellano conveyed a clear understanding of the public's involvement and approach when conducting outreach.

Director Wagner discussed his concerns about staff going with the firm that OCTA always uses even though the vendor is 25 percent more expensive.

Mr. Johnson, CEO, stated both of the shortlisted firms could do the work for OCTA. However, when weighing the Request for Proposal (RFP) criteria, the cost was only 20 percent. As Mr. Oftelie indicated, this is the best value procurement. He stated the other 80 percent consisted of qualifications, staffing, and work plan. The evaluation committee weighted those qualifications and scored Arrellano at a higher level.

Mr. Johnson, CEO, discussed staff's recommendation for the highest-scoring firm, which considers those weightings, and stated both firms could do the work. He noted the staffs' recommendation was that Arrellano presented a better proposal.

5. (Continued)

A lengthy discussion ensued regarding the following:

- The evaluation methods for these types of contracts.
- The price difference is too high to justify the firm where both firms can do a similar job.
- The comprehensive evaluation that staff did on assessing the elements of staffing, experience, and scope of work.
- Both firms can do the job and are already doing work for OCTA.
- Some Board Members discussed past best value procurement experiences with other Agencies and what other qualifications to consider besides the cost.

A motion was made by Director Bartlett, seconded by Director Hernandez, and following a roll call vote, declared passed 12-2, to:

- A. Approve the selection of Arellano Associates, LLC as the firm to provide public outreach consulting services for upcoming planning studies.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2622 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$275,000 for a two-year initial term with one, one-year option term, to provide public outreach consulting services for upcoming planning studies.

Directors Harper and Wagner voted in opposition on this item.

Director Shaw was not present to vote on this item.

6. Approval of Local Transportation Fund Fiscal Year 2021-22 Apportionment Estimates

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to approve the Local Transportation Fund fiscal year 2021-22 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund for the following fiscal year.

7. State Legislative Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to support the intent of the Governor's proposed budget trailer bill language to extend and expand regulatory relief measures related to the Transportation Development Act while continuing the work to improve the effectiveness of the proposal.

8. Federal Legislative Status Report

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

9. 91 Express Lanes Property Insurance Renewal

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A46898, in the amount of \$460,332 to Marsh USA, Inc., to purchase the 91 Express Lanes property, flood, and earthquake insurance on behalf of the Orange County Transportation Authority for the policy period of March 1, 2021 to March 1, 2022.

10. Amendment to Agreement for Mobile Ticketing Validators Extended Warranty Coverage Period

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-6-0942 between the Orange County Transportation Authority and Init Innovations in Transportation, Inc., to exercise the first option term in the amount of \$136,608, for extended warranty coverage for mobile ticketing validators effective May 1, 2021 through April 30, 2022.

11. Amendment to Agreement for Renewable Natural Gas

A motion was made by Vice Chairman Murphy, seconded by Director Hennessey, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-5-3636 between Orange County Transportation Authority and Element Markets Renewable Energy, LLC, to exercise the second two-year option-term, in the amount of \$9,500,000, to provide renewable natural gas and consulting services for management of the Low Carbon Fuel Standard Program. This will increase the maximum obligation of the agreement to a total contract value of \$27,560,000.

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

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

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 12 to Agreement No. C-4-1737 between the Orange County Transportation Authority and First Transit, Inc. to adjust the rates for the provision of contracted fixed-route OC Bus service, and increase the maximum reimbursement necessary to cover actual expenses due to the coronavirus pandemic an additional \$3,149,737, for an amount not to exceed \$4,969,679, from June 14, 2020 through May 31, 2021. In addition, authorize scope of work modifications to clarify performance expectations.
- B. Approve an amendment to the Orange County Transportation Authority Fiscal Year 2020-2021, Operations Division Budget, in the amount of \$4,415,312.

13. Agreement for Enterprise Asset Management System

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

- A. Approve the selection of 21Tech LLC as the firm to provide an enterprise asset management system.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2272 between the Orange County Transportation Authority and 21Tech LLC, in the amount of \$5,061,529, to provide an enterprise asset management system for a seven-year initial term with two, two-year option terms.

Regular Calendar

14. Draft June 2021 Bus Service Change Update

Darrell E. Johnson (CEO) provided opening comments and introduced Kurt Brotcke, Director of Planning, and Stella Lin, Department Manager of Marketing and Customer Engagement.

Chairman Do stated this item was discussed at the February 11th, Transit Committee meeting. He requested staff to add an outreach component to today's presentation and provide more information to the Board.

14. (Continued)

Mr. Brotcke provided an overview on the following:

- Discussed the yearly schedule of route revisions.
- The next scheduled service change is June of 2021.
- Staff is proposing that the June of 2020 service levels continue through June of 2021, consisting of 1.2 million annual hours of service.
- Current service hours are at about 75 percent of the pre coronavirus (COVID-19) levels OCTA was operating before the pandemic, which is about a 25 percent reduction.
- Since March of last year, OCTA has implemented social distancing practices and continues to this day. This practice has reduced bus capacity by half.
- OCTA has deployed single-trip buses, known as trippers, which handle any passenger crowding issues that may violate Federal Transit Administration (FTA) requirements.
- OCTA policy allowed staff to make the major service changes last year on an emergency basis.
- The FTA now requires OCTA to go through a public process to memorialize the major service changes and consider any proposed by the public for the June 2021 service change.
- This is a little unusual because the FTA regulates that a major service change implemented for more than 12 months must go through a Public Hearing at a Board meeting. In this case, OCTA is looking backwards and not forward.
- The public outreach comments and concerns will be communicated at the April 26th Board Meeting to inform the Board of the bus service changes for the upcoming fiscal year 2021-22.
- A contingency plan has been developed and could change based on public feedback.

Ms. Lin provided a PowerPoint presentation as follows:

- Goals;
- Target Audiences;
- Multilingual and Multipronged Approach; and
- Multiple Ways for Providing Feedback.

Chairman Do inquired about other ways of reaching out to the public, as noted on Slide Five of the PowerPoint presentation.

Ms. Lin responded that OCTA would be monitoring the environment under COVID-19, and this is the proposed tactics under the current situation of the stay-at-home orders. Once staff has more opportunities beyond what is presented here, staff will return to the traditional way of public outreach.

14. (Continued)

Director Delgleize inquired about how OCTA reaches out to other cities to let them know about the opportunities in their communities.

Ms. Lin responded that staff would be contacting all the city information officers and work with them in detail. She noted OCTA had tailored the communication kit toward different venues and in other languages that cities can use right away. The kit has television slides, e-blasts, social media posts, select slides, and a link to the OCTA website to learn more information.

Director Delgleize also inquired about how a rider would determine if a route has been changed or eliminated.

Ms. Lin stated the rider could contact the customer information center. Additionally, OCTA has set up a telephone hotline that is dedicated to the specific bus service change.

A motion was made by Director Delgleize, seconded by Director Hernandez, and following a roll call vote, declared passed 13-0, to:

- A. Direct staff to implement a public outreach program on the June 2021 Bus Service Change and solicit feedback for the development of the fiscal year 2021-22 Bus Service Plan.
- B. Direct staff to return to the Board of Directors with outreach results in April 2021.

Directors Jones and Shaw were not present to vote on this item.

Discussion Items

15. Public Comments

There were no Public Comments.

16. Chief Executive Officer's Report

Mr. Johnson, CEO, reported on the following:

- February Employees of the Month Recognition -
 - The Operations Employee of the Month is Andrew De Gorostiza, a Coach Operator at the Garden Grove base who started his driving career with OCTA in February of 2002.

16. (Continued)

- The Maintenance Employee of the Month is Ricky Losee, who joined OCTA in February of 2019 as a Facilities Maintenance Technician. He is a skilled member of the late swing shift at the Santa Ana base and responds to trouble calls and handles high-priority repairs at all five OCTA bases.
- The Administrative Employee of the Month is Megan Abba, who started as an Intern for OCTA. Megan has played a vital role during the pandemic in ensuring that OCTA provides accurate information to the public and employees.
- OCTA's February Employees of the Month were congratulated.

17. Directors' Reports

There were no Directors' Reports.

18. Closed Session

James Donich, General Counsel, announced a Closed Session would be held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Orange County Transportation Authority v. International Asset Management, OCSC Case No. 30-2018-00978518.
- B. Pursuant to Government Code Section 54957.6 to discuss negotiations with the Transportation Communication International Union (TCU). 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 TCU is to be appointed by the TCU.

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

Director Shaw was not present to vote on the Closed Session items.

19. Adjournment

The meeting adjourned at 9:46 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, March 8, 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