

MINUTES

Board of Directors' Meeting

Call to Order

The Monday, April 26, 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 Deputy Clerk of the Board (DCOB) 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
Katrina Foley
Patrick Harper
Michael Hennessey
Gene Hernandez
Steve Jones
Joseph Muller
Tam Nguyen
Vicente Sarmiento
Tim Shaw
Harry S. Sidhu
Donald P. Wagner
Ryan Chamberlain, District Director – Caltrans District 12

Directors Absent: Brian Goodell

Staff Present: Jennifer L. Bergener, Deputy Chief Executive Officer
Gina Ramirez, Deputy Clerk of the Board
Allison Cheshire, Interim Deputy Clerk of the Board

Via Teleconference: Darrell E. Johnson, Chief Executive Officer
James Donich, General Counsel

Invocation

Director Sidhu gave the invocation.

Pledge of Allegiance

Vice Chairman Murphy 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 Tam Nguyen.

Chairman Do congratulated Director Nguyen and welcomed him to the Orange County Transportation Authority (OCTA) Board.

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

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

James Donich, General Counsel, provided opening comments about the three proposed Resolutions of Necessity (RON). He also discussed the four factors that the Board must consider when adopting these RONs to obtain the properties.

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

Ross Lew, Program Manager, provided a PowerPoint presentation.

A discussion ensued regarding the following:

Director Wagner voiced his concerns that this project does not justify the expense and stated eminent domain is the most onerous process. For that reason, he is going to vote no on this item.

Director Shaw referenced Slide 9 of the PowerPoint and the reassigned parking spaces on-site during the project.

2. (Continued)

Mr. Lew responded that the parking spaces can be restriped temporarily during the project and will be restored after construction.

A motion was made by Director Hennessey, seconded by Director Hernandez, and following a roll call vote, declared passed 15-1, to adopt Resolution of Necessity Nos. 2021-034, 2021-035, and 2021-036, 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.

3. Public Hearing for the June 2021 Service Change

(A verbatim transcript of this public hearing is on file in the Clerk of the Board's office.)

Darrell E. Johnson, Chief Executive Officer (CEO), provided opening comments and introduced Stella Lin, Manager of Marketing and Customer Engagement, provided a PowerPoint presentation on the following:

- Background on the service changes in February, June, and October of each year;
- The emergency service change implemented in March 2020 due to the pandemic;
- Bus service increased slightly in June 2020 due to demand;
- 2262 comments received on this item;
- Feedback provided to the Planning Department to incorporate into this service change and future service changes.

Chairman Do opened the public hearing and requested the Clerk of the Board read into the record the noticing done to inform 'the public and local agencies of today's public hearing.

The DCOB noted that the COB Department received public comments on April 23 from Martin Varona and Frank Michael Russell, and on April 16 from Elissa Thomas. All public comments were emailed to the Board Members on April 26 at 8:30 a.m. The comments would be retained as part of the record for today's Board meeting.

Chairman Do closed the public hearing.

3. (Continued)

Director Nguyen acknowledged Ms. Lin and her staff for putting the meetings together. He participated in the Vietnamese public meetings during the process and heard nothing but positive discussions.

A motion was made by Director Delgleize, seconded by Director Nguyen, and following a roll call vote, declared passed 16-0, to receive and file initial public input on the draft June 2021 bus service change as well as emergency changes to bus service implemented during the coronavirus pandemic.

Consent Calendar (Items 4 through 10)

4. Approval of Minutes

A motion was made by Vice Chairman Murphy, seconded by Director Sarmiento, and following a roll call vote, declared passed 15-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of April 12, 2021.

Director Nguyen abstained from voting on this item due to not being present at the April 12, 2021 Board Meeting.

5. Fiscal Year 2020-21 Second Quarter Budget Status Report

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

6. Agreement for Customer Information Center Services

A motion was made by Vice Chairman Murphy, seconded by Director Sarmiento, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Alta Resources Corp. as the firm to operate the Customer Information Center.

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2698 between the Orange County Transportation Authority and Alta Resources Corp., in the amount of \$2,980,440, for a three-year initial term, effective July 1, 2021 through June 30, 2024, with two, two-year option terms.

7. State Legislative Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Sarmiento, and following a roll call vote, declared passed 16-0, to adopt a SUPPORT position on SB 339 (Wiener, D-San Francisco), which would extend the operation of the Road User Charge Technical Advisory Committee and create a pilot program to test the collection of revenue for a road charge program.

8. Federal Legislative Status Report

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

9. Sole Source Agreement for Transmission Dynamometer Upgrade

A motion was made by Vice Chairman Murphy, seconded by Director Sarmiento, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute sole source Purchase Order No. A46961 between the Orange County Transportation Authority and Power Test, Inc., in the amount of \$68,540, for the upgrade of the current transmission dynamometer control panel.

10. Amendment to Agreement for Public Outreach Services for the OC Streetcar Project

A motion was made by Vice Chairman Murphy, seconded by Director Sarmiento, and following a roll call vote, declared passed 15-1, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 7 to Agreement No. C-6-1526 between the Orange County Transportation Authority and Katz & Associates, Inc., to exercise the one-year option term for continued public outreach services in the amount of \$465,634. This will increase the maximum obligation of the agreement to a total contract value of \$1,790,102.

Director Wagner voted in opposition.

Regular Calendar

11. Fiscal Year 2020-21 Proposed Comprehensive Business Plan

Sean Murdock, Director Finance and Administration, presented a PowerPoint presentation.

11. (Continued)

A discussion ensued regarding:

- Paratransit trip growth returning to 80 percent.
- Assumption of overall ridership.
- Growth in the cost to operate paratransit service.
- Ability to provide the service long term.
- Projection of Measure M2 when first implemented.
- Original Measure M2 forecast estimated to support the program at \$24.3 billion.
- OCTA will be able to fund all of the projects going forward.
- Debt ratio coverage.

A motion was made by Director Hennessey, seconded by Director Bartlett, and following a roll call vote, declared passed 15-0, to approve the Fiscal Year 2020-21 Proposed Comprehensive Business Plan.

12. Agreement for Public Communications and Community Outreach Consultant Services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5

Chris Boucly, Section Manager, III of Public Outreach, provided a verbal report on this item.

A motion was made by Director Hennessey, seconded by Director Bartlett, and following a roll call vote, declared passed 15-1, to:

- A. Approve the selection of Costin Public Outreach Group, as the firm to provide public outreach consulting services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2104 between the Orange County Transportation Authority and Costin Public Outreach Group, in the amount of \$1,684,990 for a five-year initial term, effective through September 30, 2025, with an option term of up to 36 months, to provide public outreach consulting services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

Director Wagner voted in opposition.

13. 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, provided a PowerPoint presentation.

Director Foley inquired about the infrastructure funding from the federal government.

Mr. Johnson, CEO, responded that the American Rescue Plan Act of 2021 did include about \$9 million of additional funds for this project.

OCTA is working with the Federal Transit Administration (FTA) to access the funds appropriately. As it relates to the streetcar, there is a full funding grant agreement, which is essentially a contract with the federal government on the scope, schedule, and budget entered into in the fall of 2018. OCTA is discussing modifications to that with the FTA at this point.

Director Foley requested that OCTA staff help her prepare a letter of support from her office to support infrastructure bills making their way through Congress.

Mr. Johnson responded that OCTA has not taken a position on the infrastructure bill. If OCTA does take a position, staff will prepare a letter for the Chairman to sign. However, if Director Foley wants to do something individually in her role as a Supervisor, OCTA staff would be happy to provide information about the infrastructure bill.

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

14. Interstate 405 Improvement Project Update

Jeff Mills, Senior Program Manager, and Chris Boucly, Section Manager II, External Affairs, provided a PowerPoint presentation.

Director Foley thanked the staff for the excellent report. She requested a briefing with regards to supporting the residents near the Fairview bridge. There is a concern regarding no sound wall mitigation in that area.

Mr. Mills responded that staff can provide a briefing to Director Foley and discuss some of the concerns from the residents near the Fairview bridge.

Director Foley requested that staff email her some photos of the aesthetics from the different bridges to be used for social media posts.

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

Discussion Items

15. Public Comments

The DCOB stated that the COB Department received a public comment on April 21 from Craig A. Durfey. The Board was emailed the comment on April 26. The comment will be retained as part of the record for today's Board meeting.

16. Chief Executive Officer's Report

Mr. Johnson, CEO, reported on the following:

April Employees of the Month Recognition –

- The Operations Employee of the Month is Arturo Corona.
 - Arturo is a coach operator at the Garden Grove base who started his driving career with OCTA in September 1999.
 - In September of last year, Arturo achieved an impressive 20 years of safe driving.
- The Maintenance Employee of the Month is Raul Bustamante.
 - Raul joined OCTA in February 2020 and is a member of the Santa Ana base.
 - Raul consistently services an average of 18 buses per night, exceeding our standard 16-bus requirement.
- The Administrative Employee of the Month is Marie Latino.
 - Marie has worked for OCTA for more than 30 years and is currently a Maintenance Resource Manager.
 - Marie recently completed a review of OCTA's hardware usage and acquisition process.
 - Through improvements and collaboration, she was able to realize a year-over-year cost savings of nearly \$40,000.
- OCTA's April Employees of the Month were congratulated.

One Millionth Face Covering -

- OCTA prioritized public health and safety during the pandemic, including installing plexiglass driver shields and hand sanitizer, and face-covering dispensers on all OCTA buses.
- OCTA reached a significant milestone this month when OCTA distributed the one-millionth free face covering.
- Mr. Johnson thanked the Federal Transit Administration, which helped supply some of these masks, and noted reimbursement of the cost of the masks was made possible by the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

16. (Continued)

- Mr. Johnson thanked all the OCTA staff involved in installing the dispensers and keeping them well stocked throughout the pandemic.
- OCTA is planning some press and social media to highlight this milestone and our passenger safety focus.

17. Directors' Reports

Director Shaw inquired if the Board has any plans for in-person meetings.

Chairman Do responded that the aim for the County and the CDC is for mass vaccination by July 1. The issue will be discussed at that time on the next steps.

Director Nguyen thanked Chairman Do and Vice Chairman Murphy for their support and trust as the newly appointed public member. He also wanted to honor past Director Greg Winterbottom, a faithful public servant who made a difference on this board. He also expressed his gratitude to CEO Johnson and Madam Clerk West for their warm welcome and excellent comprehensive new Board Member briefing. He is excited to hit the ground running and learn as much as possible about Orange County's transportation projects and initiatives, programs, and plans.

Directors Wagner and Foley welcomed Director Nguyen to the OCTA Board.

18. Closed Session

A Closed Session was held as follows:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Craig Everhart v. Orange County Transportation Authority, OCSC Case No. 30-2020-01145813.

There was no report out.

19. Adjournment

The meeting adjourned at 10:55 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, May 10, 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