

MINUTES

Board of Directors' Meeting

Call to Order

The Monday, May 24, 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 a 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
Brian Goodell
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: None

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 Jones gave the invocation.

Pledge of Allegiance

Director Harper led in the Pledge of Allegiance.

Special Calendar

1. Public Hearing to Amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3

Darrell E. Johnson, Chief Executive Officer (CEO), provided opening comments, and Adriann Cardoso, Department Manager of Programming, reported on the background and reason for the proposed temporary amendment.

The DCOB read into the record notifications to inform the public and local agencies of today's public hearing.

Chairman Do opened the public hearing for public comments. With no public comments received, a motion was made by Director Bartlett, seconded by Director Foley, and following the roll call vote, declared passed 17-0, to:

- A. Amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to extend the fiscal year 2020-21 revised maintenance of effort requirements through fiscal year 2021-22 to assist local jurisdictions with the transition back to the pre-pandemic maintenance of effort benchmarks.
- B. Direct staff to provide written notice of the amendment to local jurisdictions.

A discussion ensued regarding the following:

- Chairman Do stated that some Board members might wonder if the amendment is necessary as cities are receiving funding. Still, timing and limited use of funds may inhibit cities' use of funds.
- Director Shaw inquired about how long it would take to know if any city fell short of the maintenance of effort requirement.
- Ms. Cardoso responded that OCTA would not know until December 2021. The cities do not have to meet a dollar amount, just a proportionate amount of their general fund revenue.
- Director Bartlett agreed that the amendment is necessary, and OCTA should assist cities in flexibility.
- Director Foley echoed Director Bartlett's comments and agreed that cities need a transitional bridge. The cities have had to pull back on capital projects as well as staffing.

Consent Calendar (Items 2 through 16)

2. Approval of Minutes

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of May 10, 2021.

3. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2020, Internal Audit Report No. 21-509

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to direct staff to implement a recommendation provided in Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2020, Internal Audit Report No. 21-509.

4. Fiscal Year 2020-21 Third Quarter Grant Reimbursement Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to receive and file as an information item.

5. State Legislative Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to adopt a SUPPORT position on SB 640 (Becker, D-San Mateo), which would allow cities or counties eligible for local streets and roads funding to jointly propose projects for funding.

6. Federal Legislative Status Report

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to receive and file as an information item.

7. Low Carbon Transit Operations Program Recommendations for Fiscal Year 2020-21 and Prior Year Funds

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to:

- A. Approve Resolution No. 2021-042 to authorize the use of fiscal year 2020-21 Low Carbon Transit Operations Program funds, prior year funds, and interest earnings totaling \$6,359,899, as follows:
 - \$3,703,032 for the “Welcome Back” Fare Reduction Program for OC Bus Riders,
 - \$716,152 for the College Pass Program for Orange Coast College,
 - \$1,940,715 for the Ten Battery-Electric Buses, Bus Depot Upgrades and Charging Infrastructure Project.
- B. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the recommendations above.

8. Review of Oversight Controls and Contract Compliance Related to the Bridgestone/Firestone Tire Lease and Services Agreement No. C-9-1354, Internal Audit Report No. 21-506

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to direct staff to implement four recommendations provided in the Review of Oversight Controls and Contract Compliance Related to the Bridgestone/Firestone Tire Lease and Services Agreement No. C-9-1354, Internal Audit Report No. 21-506.

9. Agreement for Building Repairs at Garden Grove Bus Base

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-1-3295 between the Orange County Transportation Authority and Golden Gate Steel, Inc., doing business as Golden Gate Construction, the lowest responsive, responsible bidder, in the amount of \$222,169, for building repairs at the Garden Grove Bus Base.

10. Agreement for Americans with Disabilities Act Access Improvements and Parking Lot Pavement Replacement at Fullerton Park-and-Ride

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-1-3294 between the Orange County Transportation Authority and Onyx Paving Company, Inc., the lowest responsive, responsible bidder, in the amount of \$525,000, for the construction of Americans with Disabilities Act-prescribed access improvements and parking lot pavement replacement at the Fullerton Park-and-Ride.

11. Approval to Release Request for Proposals for Bus Stop Maintenance Program

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 1-3408 for the bus stop maintenance program.
- B. Approve the release of Request for Proposals 1-3408 for the bus stop maintenance program effective December 1, 2021 through November 30, 2024, with two, two-year option terms.

12. Amendment to Agreement for Same-Day Taxi Service

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-8-1440 between the Orange County Transportation Authority and Cabco Yellow, Inc., doing business as California Yellow Cab, to exercise the second option term of the agreement to continue providing same day taxi service in the amount of \$1,825,309. This amendment will increase the maximum obligation of the agreement to a total contract value of \$8,643,120.

Due to the Levine Act, Chairman Do and Director Bartlett did not participate or vote on this item.

Director Foley inquired about the Levine Act.

James Donich, OCTA General Counsel, explained the process for any conflict of interest due to the Levine Act.

Mr. Johnson, CEO, stated that if OCTA is made aware by the vendor that they have made a campaign contribution above \$250 to any Board Member, staff will notify them in writing.

13. Agreement for Landscape Maintenance Services Along the Pacific Electric Right-of-Way

After the agenda was released last Wednesday, Mr. Johnson, CEO, stated that staff received some questions from the Board Members about the specific types of herbicides and pesticides being proposed in this contract.

OCTA staff could not ascertain the answers to all of the questions, and staff proposed continuing this item until June 14.

14. Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2021

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to receive and file as an information item.

15. Measure M2 Project U Senior Non-Emergency Medical Transportation Funding and Program Guidelines

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to:

- A. Authorize the Chief Executive Officer to execute Cooperative Agreement No. C-1-3446 with the County of Orange to continue providing funding for the Senior Non-Emergency Medical Transportation program.
- B. Adopt the revised Measure M2 Project U Senior Non-Emergency Medical Transportation Funding Guidelines.

16. Cooperative Agreements with Agencies Participating in the Measure M2 Senior Mobility Program

A motion was made by Vice Chairman Murphy, seconded by Director Hernandez, and following a roll call vote, declared passed 17-0 to:

- A. Authorize the Chief Executive Officer to negotiate and execute cooperative agreements with 32 cities and three non-profit agencies participating in the Senior Mobility Program.
- B. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-1-3259 between the Orange County Transportation Authority and the non-profit agency Abrazar, Inc., in the amount of \$82,248 to provide funding through June 30, 2022.

16. (Continued)

- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-1-3260 between the Orange County Transportation Authority and the non-profit agency Korean American Senior Association of Orange County, in the amount of \$101,116 to provide funding through June 30, 2022.
- D. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-1-3261 between the Orange County Transportation Authority and the non-profit agency Southland Integrated Services, Inc., in the amount of \$88,910, to provide funding through June 30, 2022.

Regular Calendar

17. June 2021 Bus Service Change

Charlie Larwood, Department Manager of Planning and Analysis, and Stella Lin, Department Manager of Marketing and Customer Engagement, presented a PowerPoint presentation on this item.

A discussion ensued regarding the following:

- Director Delgleize acknowledged staff for their hard work and strategies on the campaign.
- Director Foley echoed Director Delgleize's comments and inquired about partnering with Orange Coast College to encourage community members to get vaccinated and offer resources as part of the campaign.
- Director Harper stated that the welcome back feeling to the campaign is excellent. He inquired about moving up the timeline by one month on the youth 13 and under and college pass program to align with going back to school.

Ms. Lin responded that OCTA plans to implement changes before school starts

Director Sarmiento commented about the optimism and message of the campaign. The Santa Ana Unified School District will begin in the summer, and OCTA should also include high school students in the campaign.

Chairman Do concurred with Director Sarmiento that most riders in the morning in Santa Ana were students. He stated that 40 percent of the ridership is below poverty; ridership we serve is critical, and their livelihood depends on public transit; thank you to staff for knowing the role OCTA plays; keep in mind the level of ridership when discussing the transit workshop later in the meeting

17. (Continued)

Mr. Johnson, CEO, stated that staff would continue to monitor school opening plans in the county, and OCTA can adjust as needed. Staff is working closely with the California Transit Association to understand capacity requirements/restraints that may be in place and under the mask requirement until Sept 15. Staff anticipates a service change in August 2021.

Director Foley concurred with Chairman Do and stated that the Orange County Department of Education needs transportation by bus.

Mr. Johnson, CEO, stated the responsibility by local districts to provide transportation and who is responsible. Currently, community colleges are not required to provide transportation.

A motion was made by Director Delgleize, seconded by Director Foley, and following a roll call vote, declared passed 17-0 to:

- A. Approve the final June 2021 bus service change and direct staff to begin implementation.
- B. Receive and file the June 2021 Bus Service Change Public Involvement Program Final Report.
- C. Direct the Executive Director of Planning, or his designee, to file a Notice of Exemption from the California Environmental Quality Act related to the bus service change.

18. Contract Change Orders for Over-Excavation of Unsuitable Soils and Utility Conflicts for the Construction of the OC Streetcar Project

Ross Lew, Program Manager, Senior, presented an overview of the need for the change orders. He stated that unknown utilities found in the project area had increased construction costs. Also, unsuitable soils found in the project area soils comprised of clay and cannot be compacted. The increased expenses to accommodate excavation are the types of change orders that are typical for these projects.

Director Shaw stated that OCTA owns so much of the Right-Of-Way (ROW) property and wouldn't have to take buildings. The environmental issues and unknowns are a more significant challenge than anticipated.

Mr. Johnson, CEO, stated that the significant benefit of not acquiring ROW still outweighs the unknown challenges encountered and are not unusual but greater than anticipated.

18. (Continued)

A motion was made by Director Foley, seconded by Director Sarmiento, and following a roll call vote, declared passed 16-1 to:

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 52.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$540,000, for over-excavation of unsuitable soils for the construction of the OC Streetcar project.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 4.3 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$2,000,000, for work to address utility conflicts for the construction of the OC Streetcar project.

Director Wagner voted in opposition.

Discussion Items

19. Future of Transit Workshop 1

Chairman Do opened the item and discussed highlighting riders and demographics that rely on transit. He stated this is the time to look at factors to encourage others to use transit to attract more/different riders and urged the Board to pay attention to slides 18 and 19.

Kurt Brotcke, Director of Strategic Planning, provided a PowerPoint presentation on this item. He discussed the Orange County Transit System, the transit vision created in 2018.

Chairman Do requested that staff add 1st Street (Bolsa Ave) in Westminster and 17th/Westminster.

The Board members made the following inquiries and suggestions:

- 1st/Bolsa/17th/Westminster is a critical corridor.
- Staff needs to work with cities to acclimate concept;
- Inclusion of a micro-transit program, or is it a separate item;
- Include specific programs that qualify in each category;
- 11 to 15 miles per hour lifecycle savings in \$15 million capital costs;
- Three buses per route, and what is the price to get there;
- Would like to see what the best return on investment is to maximize savings at the next workshop;
- Bus Rapid Transit (BRT) opportunities can reduce freeway and street congestion;

19. (Continued)

- Why not include Fairview for BRT;
- Curbside only lanes allow for BRT;
- What makes it rapid is that its curbside only lanes;
- Include gender/race info in demographics data; encourage the safety of transit; make the system accessible to those who need it;
- Protected bike lanes will be coordinated with local agencies, and
- Appreciate analysis of marginal increases in time is worth the effort.

Director Wagner stated that this report is excellent. He appreciates that staff is analyzing where the marginal increases in travel time are worth the expense.

Mr. Johnson, CEO, stated that staff would note all the comments from the Board and incorporate them into the presentation at the next workshop.

Mr. Johnson, CEO, stated there are four Board-approved studies listed and that staff will discuss the 11 busiest corridors at the next workshop.

20. Public Comments

There were no Public Comments received.

21. Chief Executive Officer's Report

Mr. Johnson, CEO, reported on the following:

May Employees of the Month Recognition

- The Operations Employee of the Month is Alejandro "Alex" Pacheco.
 - Alex is a coach operator at the Santa Ana base who started his driving career with OCTA in March 2014.
 - In April, Alex achieved a very commendable seven years of safe driving.
- The Maintenance Employee of the Month is Phung Mai.
 - Phung joined OCTA in September 2006 as an electronics technician, and he currently works the late swing shift at the Irvine Sand Canyon base.
 - Phung recently identified an issue with Wi-Fi on the buses, which created problems with the timely downloading of ridership data. He took it upon himself to find the cause and determined a problem with the Wi-Fi antenna at the base and replacing the antenna resolved the issue.
- The Administrative Employee of the Month is Vicente Aldana.
 - Vicente Aldana started his career with OCTA in 2009 as a coach operator and, after six years, was promoted to bus operations supervisor at the Santa Ana Base.

21. (Continued)

- Vicente is also a licensed vocational nurse volunteering at the Soka University and Anaheim Convention Center POD sites vaccinating Orange County residents and workers.
- OCTA's May Employees of the Month were congratulated.

Interstate 5 (I-5) Central County Improvements Project

- Mr. Johnson, CEO, congratulated the Interstate 5 (I-5) Central County Improvements Project team. Last year on Main Street, this project added a second High Occupancy Vehicle lane in each direction on the I-5 between State Route 55 and State Route 57.
- Next month, the American Council of Engineering Companies (ACEC) will be presenting this project with its National Honor Award.
- Previously in February, the project won the ACEC California Chapter's Honor Award.
- This project has also garnered several other awards, including:
 - Caltrans Partnering in Motion Gold Award
 - American Society of Bridges and Roads Top Ten Roads Award
 - WTS Innovative Transportation Solutions Award
 - American Society of Civil Engineers Outstanding Construction Project Award

22. Directors' Reports

Director Foley inquired about graffiti abatement issues since some graffiti issues over the weekend were on the new bridges/walls along Interstate 405.

Mr. Johnson, CEO, stated that OCTA would address the project area. In addition, Caltrans can also address any issues as appropriate.

23. Closed Session

A Closed Session was held as follows:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Orange County Transportation Authority v. SOCO Retail Fee Owner, LLC, et al, OCSC Case No. 30-2018-01014059.

There was no report out.

All members present in Closed Session with the exception of Director Hennessy.

24. Adjournment

The meeting adjourned at 10:56 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 14, 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