

MINUTES

Board of Directors' Meeting

Call to Order

The Monday, November 8, 2021, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Do at 9:04 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

Gina Ramirez, Clerk of the Board, conducted an attendance roll call and announced a quorum of the Board of Directors (Board) as follows:

Directors Present:

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

Directors Absent:

None

Staff Present:

Darrell E. Johnson, Chief Executive Officer
Jennifer L. Bergener, Deputy Chief Executive Officer
Andrea West, Interim Clerk of the Board
Gina Ramirez, Clerk of the Board Specialist, Senior
Allison Cheshire, Clerk of the Board Specialist, Senior
James Donich, General Counsel

Invocation

Director Bartlett gave the Invocation.

Pledge of Allegiance

Director Wagner led the Pledge of Allegiance.

Special Calendar

There were no Special Calendar items.

Consent Calendar (Items 1 through 14)

Orange County Transportation Authority Consent Calendar Matters

1. Approval of Minutes

The Clerk of the Board staff noted a correction to the vote tally for Item #16 - Contract Change Orders for Construction of the OC Streetcar Project. The minutes have been updated to reflect Director Wagner's opposition on the item.

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to approve the amended Orange County Transportation Authority and affiliated agencies' regular meeting minutes of October 25, 2021.

2. Ralph M. Brown Act Board of Directors Resolution for Teleconference Meetings

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to adopt Board of Directors Resolution 2021-090.

3. Coronavirus Update

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

4. Approval of Board Members Travel

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to approve Board Members Travel as requested for Chairman Andrew Do, Vice Chairman Mark A. Murphy, and Finance and Administration Committee Chairman Michael Hennessey to travel with Orange County Transportation Authority Chief Executive Officer, Darrell Johnson, and Finance and Administration staff to New York, NY on December 1-4, 2021, to meet with Moody's Investor Services, Fitch Ratings, Standard & Poor's, and other interested parties.

5. Evaluation of Independent Auditor and Consideration of Contract Amendment to Extend Audit Services through the Fiscal Year Ending June 30, 2023

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to:

- A. Approve draft evaluation questions and comments compiled by the Internal Audit Department for the Finance and Administration Committee.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-8-1911 between the Orange County Transportation Authority and Crowe LLP, to exercise the two-year option term, in the amount of \$592,200, to provide the annual financial and agreed-upon procedures audits for the fiscal years ending June 30, 2022 and 2023. This will increase the maximum obligation of the agreement to a total contract value of \$1,497,861.

6. Fiscal Year 2021-22 Internal Audit Plan, First Quarter Update

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2021-22 Internal Audit Plan as an information item.

7. Orange County Transportation Authority Investment and Debt Programs Report - September 2021

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

8. Fiscal Year 2020-21 Fourth Quarter Budget Status Report

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

9. First Quarter Fiscal Year 2021-22 Procurement Status Report

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

10. Property Insurance Policy Renewal

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A48889, in an amount not to exceed \$735,000, to Marsh Risk and Insurance Services, Inc., to purchase property insurance on behalf of the Orange County Transportation Authority for the renewal of the coverage for the period of December 1, 2021 to December 1, 2022.

11. Amendment to the Master Plan of Arterial Highways

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to:

- A. Approve an amendment to the Master Plan of Arterial Highways to remove Glassell Street between Walnut Avenue and La Veta Avenue from the Orange County Master Plan of Arterial Highways.
- B. As applicable, direct the Executive Director of Planning, or his designee, to file a Notice of Exemption from the California Environmental Quality Act in support of the Board of Directors' action.

12. Regional Planning Update

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

Orange County Local Transportation Authority Consent Calendar Matters

13. Contract Change Orders for the Interstate 405 Improvement Project from State Route 73 to Interstate 605

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 68.3 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$155,000, to provide additional environmental monitoring services.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 115 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$550,000, to provide additional fencing and landscaping between Interstate 405 and Lampson Avenue in the City of Seal Beach.

14. Regional Traffic Signal Synchronization Program Update

A motion was made by Director Wagner, seconded by Vice Chairman Murphy, and declared passed by those present, to receive and file as an information item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

15. Active Transportation Program Biannual Update

Peter Sotherland, Principal Transportation Analyst, provided a PowerPoint presentation on this item.

A discussion ensued regarding the following:

- The cities of Garden Grove and Santa Ana are working together on active transportation.
- The Orange County Transportation Authority (OCTA) is improving active transportation and has requested coordination with the County of Orange (County) on establishing an active transportation committee to include pedestrians and bike users.
- Road bikes, mountain bikes, and e-bikes have blurred the lines, and a universal conversation is needed to define the vision that is being pursued.
- OCTA staff are working on closing the gap in the City of La Habra on the Orange County (OC) North Loop.
- E-bikes stores opened recently in Costa Mesa, and bike-ability has been a priority for some time.
- Inclusion of the flood districts as connectors for the east and west accessibility. The City of Irvine has done a great job connecting its communities.
- The list of gaps is essential, and cities have coordinated to close the gaps by addressing students at campuses and reaching out to those who use dedicated bike lanes to get to and from work on bike safety.
- The cities and the County implements the programs while OCTA provides strategies. The goal is to work with agencies to implement safer options, and allow the County and the cities to plan. OCTA's role is to assist the cities in applying for funds.
- The OC Public Works Department is adding a new commission to address pedestrian and bike safety. It will include public members to provide feedback into the County's active transportation plan.
- More people are riding bikes and e-bikes, and some youths may not fully understand how e-bikes work or operate. Director Muller commented there should be a requirement for ages 16 and under to complete e-bike safety and work with OCTA to develop that program through the bike safety program. Director Deagleize echoed Director Muller's remarks.

Director Foley requested a list of the schools participating, locations for bicycle counts, and the inclusion of Fairview and 19th Street along the State Route 55 terminus on Newport Boulevard, due to bike safety concerns.

Director Jones stated he is a huge proponent of active transportation and discussed the collaboration between the First District on bike lanes and safe routes to school.

Director Jones discussed that in Garden Grove, along the Pacific Electric Right-of-Way (PEROW), a half-mile path was built with OCTA's help, and Garden Grove hopes to extend the route with additional funds. There has been discussion of some retail stores and various events being held in the area.

Chairman Do stated that OCTA should look at utilizing the PEROW and the flood control channels in active transportation.

Darrell E. Johnson, Chief Executive Officer (CEO), discussed that OCTA is communicating with e-bike manufacturers, the Citizens Advisory Committee, the Office of Traffic Safety related to safety grants, and continuing to re-engage with the training and safety.

Mr. Johnson, CEO, noted that Slide Four of the PowerPoint addresses the 13 busiest bus stops and will confer with staff to verify the locations.

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

Orange County Local Transportation Authority Regular Calendar Matters

16. Interstate 405 Improvement Project Update

Jeff Mills, Senior Program Manager, Capital Programs, and Chris Boucly, Section Manager II, External Affairs, co-presented a PowerPoint presentation.

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

Discussion Items

17. Update on Interstate 5/EI Toro Road Interchange Project

Rose Casey, Director of Highway Programs, provided a PowerPoint presentation on this item.

Director Bartlett suggested that staff continues working through the alternatives.

Director Goodell requested that Ms. Casey keep him apprised of any upcoming meetings and information in South County.

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

18. 2021 Board of Directors and Chief Executive Officer Initiatives and Action Plan - Third Quarter Progress Report

Mr. Johnson, CEO, provided an overview of the milestones completed during the third quarter and reported that OCTA will continue to proactively and strategically address the immediate needs of the public and agency employees to keep Orange County moving through the ongoing impacts of the coronavirus (COVID-19) pandemic.

No action was taken on this informational item.

19. Public Comments

Public comments were received from Marc Vukecich, advocating for more trains, trams, and light rail in Orange County. As a bartender in Costa Mesa, a new transportation mode could be beneficial to safety and connectivity. A light rail line along Harbor Boulevard would be helpful to businesses, residents, and Disneyland. A connection to downtown Fullerton and train station would be one less car on the road for every person taking public transit.

20. Chief Executive Officer's Report

Mr. Johnson, CEO, reported on the following:

Infrastructure Bill Update -

- Late Friday night, the House of Representatives passed the bipartisan infrastructure bill, known as the Infrastructure Investment and Jobs Act, and the President is expected to sign the bill shortly.
- This bill reauthorizes surface transportation programs for five years and enables the creation of several new programs, including those related to climate change, transportation electrification, and equity.
- The bill also significantly increases transportation funding levels over the current year and includes:
 - A 49 percent increase in highway spending;
 - A 65 percent increase in transit spending; and
 - \$87 billion in rail spending which is approximately 550 percent over the current levels.
- The infrastructure bill's passing represents welcome news for transportation programs, but there are still several policy actions awaiting Congressional action, including the reconciliation package, an appropriations bill for the year, and addressing the debt ceiling.
- Each of these actions could have further implications on transportation programs.
- Staff will closely monitor Congress's activity and provide a detailed verbal update at the November 18th Legislative and Communications Committee meeting.

Veterans Appreciation Event

- On Thursday, November 11th, OCTA will host the annual Veterans Appreciation event to honor OCTA employees and family members who have served in the U.S. Armed Forces.
- The event will take place at 2:00 p.m. at the Garden Grove bus base.
- Chairman Do and Director Foley are planning on attending.

21. Directors' Reports

Director Sarmiento thanked Ted Nguyen, Senior Section Manager of Public Outreach, and OCTA staff for their attendance at the Dia De Los Muertos event in Santa Ana. OCTA staff promoted the Youth Bus Pass program.

Director Nguyen thanked Chairman Do and Director Jones for the right-of-way event in Garden Grove. He participated in the Halloween event with his family. He also acknowledged Director Sarmiento for the Dia De Los Muertos celebration. He congratulated Director Delgleize on her appointment as President of the Association of California Cities of Orange County.

Director Nguyen also noted that he hosted the Los Angeles Chamber of Commerce in Little Saigon, where he spent the morning with OCTA staff to learn about transportation.

Director Delgleize thanked Mr. Johnson, CEO, for attending and speaking at the last Association of California Cities of Orange County meeting.

Chairman Do requested that all Board members review Item #8. He stated that the revenue surplus will increase and this is an opportunity for the Board to look at some of the issues the Board wants to take on as an agency.

22. Closed Session

A Closed Session was held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - St. Andrew's by the Sea United Methodist Church v. Orange County Transportation Authority, et al. – OCSC Case No. 30-2018-01018320.
- B. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - J.L Kids, LLC v. California Department of Transportation, et al. - OCSC Case No. 30-2018-01014871.
- C. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director, Human Resources and Organizational Development, and Teamsters Local 952 representative.

- D. Pursuant to Government Code 54957.6 to discuss collective bargaining agreement negotiations with the Transportation Communications International Union regarding the parts/stock room clerks and facilities maintenance employee unit. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director, Human Resources and Organizational Development, and Transportation Communications International Union representative.

23. Adjournment

The meeting adjourned at 10:25 a.m.

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

ATTEST:

Gina Ramirez
Clerk of the Board Specialist, Senior

Andrew Do
Chairman