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## **BOARD AGENDA**

Orange County Transportation Authority Board Meeting  
Orange County Transportation Authority Headquarters  
First Floor - Room 154  
600 South Main Street, Orange, California  
*Monday, March 22, 2010, at 9:00 a.m.*

### **REVISED** **(updated 3/18/10)**

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

#### **Agenda Descriptions**

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

#### **Public Comments on Agenda Items**

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker Card's and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

#### **Public Availability of Agenda Materials**

All documents relative to the items referenced in this agenda are available for public inspection at [www.octa.net](http://www.octa.net) or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

#### **Call to Order**

#### **Invocation**

Director Nguyen

#### **Pledge of Allegiance**

Director Winterbottom



## **BOARD AGENDA**

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### **Special Matters**

1. **[Presentation of Resolutions of Appreciation to Senator Lou Correa, Senator Bob Huff, and Assembly Member Jose Solorio](#)**

Present Orange County Transportation Authority Resolutions of Appreciation No. 2010-23, 2010-24, and 2010-22 to Senator Lou Correa, Senator Bob Huff, and Assembly Member Jose Solorio, respectively, in recognition of the advocacy of ABX8 11, which extends letter of no prejudice authority to projects funded by Proposition 116, thereby allowing the projects to meet strict deadlines and provide stimulus to the economy.

2. **Presentation of Resolution of Appreciation to Retiring Deputy Chief Executive Officer, James S. Kenan**

3. **Special Recognition for Thirty Years of Safe Driving**

Present an award to Coach Operator Stephen White for achieving thirty years of safe driving.

4. **[Presentation of Resolutions of Appreciation for Employees of the Month for March 2010](#)**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2010-17, 2010-18, 2010-19 to Forest Long, Coach Operator; Alan Phillips, Jr., Maintenance; and Sandy Boyle, Administration, as Employees of the Month for March 2010.

5. **[Presentation of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter](#)**

Present Orange County Transportation Authority Resolution of Appreciation No. 2010-20 to Orange County Sheriff's Deputy Chet Parker.



## **BOARD AGENDA**

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### **Consent Calendar (Items 6 through 28)**

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

#### **Orange County Transportation Authority Consent Calendar Matters**

6. [Approval of Minutes](#)

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 8, 2010.

7. [Recruitment and Employment Practices Limited Scope Review](#)

Kathleen O'Connell

***Overview***

Internal Audit has completed an investigation of two complaints received through the Orange County Transportation Authority's Fraud Hotline. While Internal Audit did not substantiate allegations of preferential hiring, policies and procedures related to recruitment and employment practices should be strengthened. As a result of this limited scope review and investigation, Internal Audit is making recommendations to update and enhance policies and procedures for the recruitment and candidate selection process; to develop and document procedures for deviations from procedures; and to update OCTA's Employment of Relatives policy.

***Recommendation***

Direct staff to implement recommendations in the Recruitment and Employment Practices Limited Scope Review, Internal Audit Report No. 10 106.

8. [Fiscal Year 2009-10 Internal Audit Plan, Second Quarter Update](#)

Kathleen O'Connell

***Overview***

The Orange County Transportation Authority Board of Directors adopted the Orange County Transportation Authority Internal Audit Department Fiscal Year 2009-10 Internal Audit Plan on August 12, 2009. This update is for the second quarter of the fiscal year.



## **BOARD AGENDA**

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8. (Continued)

***Recommendation***

Receive and file the second quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2009-10 Internal Audit Plan.

9. [Independent Auditor Inquiries Regarding Fraud](#)

Kathleen O'Connell

***Overview***

Independent auditor, Mayer Hoffman McCann P.C. has begun planning for its audit of the Orange County Transportation Authority for the fiscal year ending June 30, 2010. Professional standards require that the independent auditor make inquiries of those charged with governance concerning knowledge of fraud, and controls in place to prevent or detect fraud. The Internal Audit Department has drafted responses on behalf of the Finance and Administration Committee acting as the audit committee for the Orange County Transportation Authority.

***Recommendation***

Approve draft responses to fraud inquiries made by independent auditor Mayer Hoffman McCann P.C.

10. [State Legislative Status Report](#)

Manny Leon/Kristine Murray

***Overview***

The State Legislative Status Report includes an update on the developing state budget negotiations. An overview of sponsor bill activities that have occurred to date is given and approval is requested for modifications to proposed sponsor legislation for 2010.



## BOARD AGENDA

### 10. (Continued)

#### *Committee Recommendations*

- A. Support SB 1446 (Correa, D-Santa Ana), which provides for an additional mechanism to fund project mitigation measures required by the California Department of Fish and Game pursuant to the California Endangered Species Act.
- B. Approve revisions as proposed to the 2010 Orange County Transportation Authority State Legislative Platform related to proposed sponsor legislation with the exception of the following:

Co-sponsor a bill with Southern California Association of Governments to extend California Environmental Quality Act streamlining provisions to transportation projects that are part of a sustainable communities strategy which meets the prescribed greenhouse gas emission reduction targets, clarify Proposition 1B and sales tax exemptions, and other regional timing adjustments.

### 11. [Federal Legislative Status Report](#) Richard J. Bacigalupo/Kristine Murray

#### *Overview*

This Federal Legislative Status Report provides information on United States House and Senate consideration of economic stimulus legislation and the impact of economic stimulus legislation on extensions of the present transportation authorization act, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: a Legacy for Users.

#### *Recommendation*

Receive and file as an information item.



## **BOARD AGENDA**

12. [Fiscal Year 2009-10 Second Quarter Budget Status Report](#)

Victor Velasquez/Kenneth Phipps

***Overview***

The Orange County Transportation Authority's staff has implemented the fiscal year 2009-10 budget. This report summarizes the material variances between the budget plan and actual revenues and expenses.

***Recommendation***

Receive and file as an information item.

13. [Second Quarter Fiscal Year 2009-10 Grant Status Report](#)

Anthony Baruch/Kenneth Phipps

***Overview***

The Quarterly Grant Status Report summarizes grant activities for information purposes for the Orange County Transportation Authority Board of Directors. This report focuses on significant activity for the period of October through December 2009. The Quarterly Grant Status Report summarizes future and pending grant applications, awarded/executed and current grant agreements, as well as closed-out grant agreements.

***Recommendation***

Receive and file as an information item.

14. [Approval of Local Transportation Fund Fiscal Year 2010-11 Apportionment Estimates](#)

James L. Cook, Jr./Kenneth Phipps

***Overview***

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2010-11 be determined and prospective claimants be advised of the amounts.



## BOARD AGENDA

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### 14. (Continued)

#### *Recommendation*

Approve the Local Transportation Fund fiscal year 2010-11 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.

### 15. [Letter of No Prejudice for Orange Freeway \(State Route 57\) Improvements](#)

Adriann Cardoso/Kia Mortazavi

#### *Overview*

In an effort to improve traffic flow, the Orange County Transportation Authority, in cooperation with the California Department of Transportation District 12, is adding a lane to the northbound Orange Freeway (State Route 57) from Orangethorpe Avenue in Placentia to Lambert Road in Brea. The project is construction-ready but state Proposition 1B general obligation bond funds for the improvements are not immediately available. A recommendation to evaluate the use of Measure M2 funds in advance of receiving the state funds is presented for Board of Directors' review and approval.

#### *Committee Recommendations*

- A. Authorize staff to submit a Letter of No Prejudice request to the California Department of Transportation and the California Transportation Commission for adding a lane to the northbound Orange Freeway (State Route 57) from Orangethorpe Avenue in Placentia to Lambert Road in Brea.
- B. Direct staff to return within 90 days with a financing plan for the overall project.



## **BOARD AGENDA**

16. [Letter of No Prejudice and Amendment for Proposition 116 Program of Projects](#)

Abbe McClenahan/Kia Mortazavi

### ***Overview***

In February 2009, the California Transportation Commission approved the Orange County Transportation Authority's funding application for \$121.3 million of Proposition 116 bond-funded projects. The projects must be delivered for allocation before July 1, 2010. Unfortunately, the California Transportation Commission has been unable to allocate most of these funds given the economic crisis in California. Recent state legislation allows approval of a Letter of No Prejudice for Proposition 116 projects. Recommendations are presented related to Letters of No Prejudice and a future multi-agency plan of finance.

### ***Recommendations***

- A. Authorize staff to submit a Letter of No Prejudice request to the California Department of Transportation and the California Transportation Commission for the Metrolink Service Expansion and Grade Crossing Improvement Program, the Orange County Metrolink Fiber Optics Installation, and Positive Train Control.
- B. Direct staff to work with the cities of Tustin, Fullerton, and Irvine to explore the possibility of a Letter of No Prejudice for the Tustin Rail Station Parking Expansion, the Fullerton Transportation Center Parking Structure, and the Sand Canyon Grade Separation.
- C. Direct staff to return within 90 days with a financing plan for the program of projects.
- D. Authorize staff to amend the Proposition 116 program of projects as necessary upon enactment of ABX8 11 and contingent on administrative procedures set forth by the California Transportation Commission.
- E. Approve the use of up to \$29 million of Measure M, high-technology transit funds for the Metrolink Service Expansion and Grade Crossing Improvement Program.





## **BOARD AGENDA**

17. [91 Express Lanes' Anaheim Facility Lease Renewal and Data Center Improvements](#)

Christina Runge Haidl/Kenneth Phipps

***Overview***

The current lease for the 91 Express Lanes' office in Anaheim expires June 30, 2010. The leased space accommodates the traffic operations center, data center, and administrative office. Staff has been in negotiations with the landlord, FKC Properties, Inc., for a proposed two-year lease extension. In addition, expansion to the existing data center is required to accommodate several 91 Express Lanes' equipment and systems replacement projects. The terms of the proposed lease amendment will include the two-year lease extension, in addition to the data center expansion.

***Recommendation***

Authorize the Chief Executive Officer to execute Agreement No. C-0-1412, with FKC Properties, Inc., to cover the data center expansion and the two-year lease extension for the 91 Express Lanes' Anaheim office, in an amount not to exceed \$917,052. The estimated cost of the lease extension is \$259,200 for year one and \$264,852 for year two, and \$393,000 for the data center improvements.

18. [Amendment to Agreement for Insurance Brokerage Services](#)

Al Gorski/Patrick J. Gough

***Overview***

On May 29, 2007, the Board of Directors approved an agreement with Marsh Risk and Insurance Services, Inc., in the amount of \$335,000, for marketing and placement of insurance. This procurement was handled in accordance with the Orange County Transportation Authority's procedures for professional services. This agreement expires on June 30, 2010.

***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 1 to exercise the First Option Year to Agreement C-7-0632 between the Orange County Transportation Authority and Marsh Risk and Insurance Services, Inc., for an amount not to exceed \$110,000 to provide insurance marketing and placement services for a period from July 1, 2010 through June 30, 2011, bringing the total contract value to \$445,000.



## **BOARD AGENDA**

### **Orange County Local Transportation Authority Consent Calendar Matters**

19. [Financial and Compliance Audit of Costs Claimed Under Combined Transportation Funding Program Project Number 99 STAN-SIP-1192, City of Stanton](#)  
Kathleen O'Connell

#### ***Overview***

An audit has been completed of a project funded through the Combined Transportation Funding Program of Measure M for the City of Stanton by audit firm Mayer Hoffman McCann P.C. Auditors concluded that the City of Stanton was in compliance with the Combined Transportation Funding Program Guidelines.

#### ***Recommendation***

Receive and file the financial and compliance audit of Combined Transportation Funding Program Project Number 99-STAN-SIP-1192, City of Stanton.

20. [Metrolink Ridership and Revenue Quarterly Report](#)  
Megan Taylor/Darrell Johnson

#### ***Overview***

The Southern California Regional Rail Authority is a five-member joint powers authority that operates the 400-mile commuter rail system known as Metrolink. A report on Metrolink ridership and revenue for service in Orange County covering the second quarter of fiscal year 2009-10 is provided for Board of Directors' review.

#### ***Recommendation***

Receive and file as an information item.



## **BOARD AGENDA**

21. [Selection of a Consultant for Preparation of a Natural Community Conservation Plan/Habitat Conservation Plan/Master Streambed Alteration Agreement](#)  
Dan Phu/Kia Mortazavi

### ***Overview***

The Orange County Transportation Authority has accepted proposals to retain a consultant team to prepare the Natural Community Conservation Plan/Habitat Conservation Plan/Master Streambed Alteration Agreement along with a Joint Programmatic Environmental Impact Report/Environmental Impact Statement. Proposals and statements of qualifications were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of consultants to perform architectural and engineering work.

### ***Recommendations***

- A. Select ICF Jones and Stokes as the highest qualified firm to prepare the Natural Community Conservation Plan/Habitat Conservation Plan/Master Streambed Alteration Agreement and Joint Programmatic Environmental Impact Report/Environmental Impact Statement.
  - B. Authorize the Chief Executive Officer, or his designee, to request a cost proposal from ICF Jones and Stokes and negotiate an agreement for services.
  - C. Authorize the Chief Executive Officer, or his designee, to negotiate and execute the final agreement.
22. [Cooperative Agreement with City of Orange and Orange Redevelopment Agency for the Expansion of Parking Capacity at the Orange Transportation Center](#)  
Lora Cross/Darrell Johnson

### ***Overview***

The Orange City Council has chosen a preferred alternative for expanding the parking capacity at the Orange Transportation Center. The project is now ready to move into the design phase and a cooperative agreement is needed to define roles, responsibilities, and funding for the project.



## **BOARD AGENDA**

### **22. (Continued)**

#### ***Recommendation***

Authorize the Chief Executive Officer to execute Cooperative Agreement No. C-9-0901 between the Orange County Transportation Authority, City of Orange, and Orange Redevelopment Agency, in an amount not to exceed \$1,650,000, for the design of two mixed-use parking structures at the Orange Transportation Center.

### **Orange County Transit District Consent Calendar Matters**

### **23. [Buy America Review](#)**

Kathleen O'Connell

#### ***Overview***

The Internal Audit Department has conducted a post-delivery Buy America review for an Orange County Transportation Authority agreement to purchase 33 paratransit gasoline cutaway transit vehicles.

#### ***Recommendation***

Receive and file EIDorado National, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 10-301.

### **24. [Amendment to Agreement to Develop Technical Specifications for the Fare Collection System Upgrade](#)**

Jorge Duran/Beth McCormick

#### ***Overview***

The Orange County Transportation Authority completed a fare integration study to explore ways to improve existing fare collection processes and to prepare for the integration of future transit services, such as the Metrolink Service Expansion Program and the Go Local city-initiated transit projects. The study also explored fare integration strategies to improve connectivity with other regional transit operators. On August 25, 2008, the Board of Directors approved the selection of TranSystems to conduct this study. On September 14, 2009, the results of the Fare Integration Study were presented to the Board of Directors. Staff was directed to return to the Board of Directors for approval to proceed with the development of the technical specifications for an upgrade to the fare collection system.



## BOARD AGENDA

### 24. (Continued)

#### *Recommendation*

Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement No. C-8-0877 between the Orange County Transportation Authority and TranSystems, to exercise the optional task to develop technical specifications for the fare collection system upgrade, in an amount not to exceed \$147,639, bringing the total contract value to \$387,295.

### 25. [Amendment to Agreement with Alta Resources for Customer Information Center Services](#)

Marlon Perry/Ellen S. Burton

#### *Overview*

The Orange County Transportation Authority provides telephone call center operations 365 days a year using a contractor, Alta Resources. Given the substantial scale of bus service changes, the proliferation of cell phones, and the reduction of on-street and printed public information, call volumes have grown to record levels. This has impacted the call center budget. Staff is requesting Board of Directors' approval to amend Agreement No. C-6-0461 with Alta Resources to modify the terms of the agreement and increase the maximum cumulative obligation.

#### *Recommendations*

- A. Approve the transfer of \$98,482 to the External Affairs Fiscal Year 2009-10 budget to accommodate approximately 276,600 calls from March through June 2010. Staff has identified funds required within the existing Orange County Transportation Authority Fiscal Year 2009-10 Budget.
- B. Authorize the Chief Executive Officer to execute Amendment No. 3 to Agreement No. C-6-0461 with Alta Resources to modify the terms of the agreement effective May 1, 2010, to change from a time and materials contract to a firm-fixed price contract, and to increase the maximum cumulative obligation from \$6,917,366 to \$7,518,679.



## **BOARD AGENDA**

26. [Amendment to Cooperative Agreements for Provision of Senior Transportation to Congregate Meal Sites](#)

Donna Berger/Beth McCormick

***Overview***

On April 12, 2008, the Board of Directors approved cooperative agreements with the Orange County Office on Aging and cities participating in the Special Agency Transportation program to provide senior transportation to congregate meal sites. Contract amendments are required to extend these agreements through June 30, 2011.

***Recommendations***

- A. Authorize the Chief Executive officer to execute Amendment No. 2 to Cooperative Agreement No. C-8-0224 between the Orange County Transportation Authority and the Orange County Office on Aging for its share of the program expense for the provision of senior transportation to congregate meal sites, in an amount not to exceed \$334,060, through June 30, 2011.
- B. Authorize the Chief Executive Officer to execute amendments to agreements with nine participating cities for the cities' share of the program expense through June 30, 2011, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$67,000.

27. [Customer Relations Second Quarter Report Fiscal Year 2009-10](#)

Adam D. Raley/Ellen S. Burton

***Overview***

The Customer Relations report is submitted to the Orange County Transportation Authority Board of Directors on a quarterly basis. The report provides an overview of customer communications received during the period of October 2009 through December 2009, as well as a review of the performance of Alta Resources, the contracted provider of the Customer Information Center.

***Recommendation***

Receive and file as an information item.



## **BOARD AGENDA**

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28. [Agreement for the Lease and Full Service of Bus Tires](#)  
Connie Raya/Beth McCormick

### ***Overview***

On November 23, 2009, the Board of Directors approved the release of Invitation for Bids 9-0766 for the lease and full service of bus tires. Bids were received in accordance with the Orange County Transportation Authority's procurement procedures.

### ***Recommendation***

Authorize the Chief Executive Officer to execute Agreement No. C-9-0766 between the Orange County Transportation Authority and Bridgestone Americas North American Tire, LLC, in an amount not to exceed \$10,649,375, for the lease and full service of bus tires for a five-year period.

## **Regular Calendar**

### **Orange County Local Transportation Authority Regular Calendar Matters**

29. [Measure M2 Freeway Environmental Mitigation Program Acquisition Property Evaluation Results - Biological Criteria](#)  
Dan Phu/Kia Mortazavi

### ***Overview***

This is a summary report on the status of the Measure M2 Environmental Mitigation Program. Properties for potential acquisition have been identified based on biological values. Additional work is needed to assess non-biological factors prior to acquisition. Staff will return to the Transportation 2020 Committee and the Board of Directors with preliminary results of the evaluation of the restoration proposals.



## BOARD AGENDA

### 29. (Continued)

#### ***Committee Recommendations***

- A. Approve the Acquisition Property Evaluation Results based on the Property Acquisition/Restoration/Management Criteria Matrices - Biological Criteria.
- B. Authorize staff to proceed with the appraisal process with a subset of the Group 1 acquisition proposals.
- C. Direct staff to notify Newport Banning Ranch and Shell-Aera that these properties are removed from the list of potential acquisitions unless they respond in writing that they are willing sellers.
- D. Direct staff to restrict the appraisal process of acquisition to property within the County of Orange.

### 30. [Measure M2 Comprehensive Transportation Funding Program Guidelines](#)

Roger M. Lopez/Kia Mortazavi

#### ***Overview***

Measure M2 allocates net revenues for the development of various competitive programs which will provide funding for local streets and roads projects including the countywide Regional Capacity Program. Measure M2 also includes competitive transit programs such as Transit Extensions to Metrolink, Metrolink Gateways, and Community-Based Circulators. Staff has worked with the members of the Technical Advisory Committee to develop a comprehensive set of guidelines for the local streets and roads competitive programs. The Measure M2 Comprehensive Transportation Funding Program guidelines are being presented for Board of Directors' review and approval.

#### ***Committee Recommendations***

- A. Approve the guidelines for the Comprehensive Transportation Funding Program.
- B. Direct staff to develop detailed revenue estimates and return for authorization to issue the first Measure M2 Regional Capacity Program annual call for projects.





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## **BOARD AGENDA**

### **30. (Continued)**

- C. Approve the grant payment distribution split of 75/25 percent (for the initial/final payment), with the final payment retention not to exceed \$500,000, but not less than 10 percent of the grant allocation.

## **Discussion Items**

### **31. March 2010 Service Change Recap**

Beth McCormick

On March 14, 2010, the Orange County Transportation Authority implemented a service change that resulted in the reduction of approximately 150,000 annual revenue vehicle hours, or 8 percent, of bus service in response to state budget cuts, a drop in sales tax revenue, and declining ridership. This service change was approved by the Board of Directors in November 2009 and included a combination of eliminating routes, reducing bus frequency, restructuring routes, and reducing trips. The service reductions will save the Orange County Transportation Authority approximately \$13 million as it faces a more than \$30 million budget shortfall this year. The reductions are necessary to make up for major cuts in state funding and significant drops in sales tax revenue and fare revenue. Because of the magnitude of the March 2010 service change, an extensive public outreach program was conducted in conjunction with implementing the logistics of the service change. This report will highlight the significant elements that supported the implementation of the March 2010 service change.

### **32. Public Comments**

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.



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## **BOARD AGENDA**

**33. Chief Executive Officer's Report**

**34. Directors' Reports**

**35. Closed Session**

Pursuant to Government Code Section 54956.9 (a) to discuss Amir Didehvar v. Orange County Transportation Authority; OCSC Case No. 30-00107755.

**36. Adjournment**

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 12, 2010**, at Orange County Transportation Authority Headquarters.