

Orange County Transportation Authority Board Meeting  
OCTA Headquarters  
600 South Main Street, First Floor - Room 154,  
Orange, California  
February 14, 2005, at 9:00 a.m.

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.

## **Pledge of Allegiance**

Director Duvall

## **Invocation**

Director Correa

## **Agenda Descriptions**

The agenda descriptions are intended to give notice to members of the public of 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's Card 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.

## **Special Matters**

### **1. Presentation of Resolutions of Appreciation for Employees of the Year for 2004**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2005-07, 2005-08, 2005-09 to Jeffrey Mellinger, Coach Operator; Quy Nguyen, Maintenance; and Edmund Buckley, Administration, as Employees of the Year for 2004.

**2. Retiree Recognition**

**3. Retiree Resolution for Sergeant Kenny Chism, Transit Police Services**

**Consent Calendar (Items 4 through 22)**

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**

**4. Approval of Minutes**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of January 24, 2005.

**5. Approval of Resolutions of Appreciation for Employees of the Year for 2004**

Adopt Orange County Transportation Authority Resolutions of Appreciation Nos. 2005-07, 2005-08, 2005-09 to Jeffrey Mellinger, Coach Operator; Quy Nguyen, Maintenance; and Edmund Buckley, Administration, as Employees of the Year for 2004.

**6. Approval of Travel for Vice Chairman Art Brown**

Approval of travel for Vice Chairman Art Brown to Washington D.C., for February 14-18, 2005.

**7. State Legislative Status Report**

P. Sue Zuhlke/Richard J. Bacigalupo

***Overview***

Governor Arnold Schwarzenegger has proposed suspension of Proposition 42 in fiscal year 2005-2006, with a pledge to introduce legislation this year that will constitutionally prohibit the suspension of future Proposition 42 transfers. New regulations are being proposed to clarify meal and rest periods' requirements.

**7. (Continued)**

***Recommendations***

- A. Adopt the following recommended position on the Governor's Proposition 42 budget proposal:  
Support a constitutional amendment to protect future Proposition 42 revenues from being suspended and work cooperatively with the Governor to protect transportation projects programmed in the State Transportation Improvement Program from being delayed.
- B. Adopt a support position on the proposed meal and rest period regulations and request an amendment be added identifying that public agencies are exempt from these requirements.

**8. Orange County Transportation Authority 2005 State and Federal Legislative Platforms**

P. Sue Zuhlke/Richard J. Bacigalupo

***Overview***

The Orange County Transportation Authority 2005 State and Federal Legislative Platforms were reviewed and approved by the Board of Directors on November 22, 2004. Staff is submitting the 2005 State and Federal Legislative Platforms for review and comments to the 2005 Board of Directors.

***Recommendation***

Review the Orange County Transportation Authority 2005 State and Federal Legislative Platforms and amend as appropriate.

**9. Direction Regarding Possible Sponsor Legislation to Address Technical Amendments Related to the Orange County Transportation Authority Board of Directors**

P. Sue Zuhlke/Richard J. Bacigalupo

***Overview***

Board discussion at the January 10, 2005, Board of Directors' meeting included possible technical amendments to the Public Utilities Code to address the terms and qualifications of public members serving on the Board.

**9. (Continued)**

***Recommendation (at Committee)***

Following committee discussion, it was recommended that no legislation be introduced this year.

**10. Mission Statement and Values**

Ted Nguyen/Ellen S. Burton

***Overview***

As part of the Orange County Transportation Authority's ongoing efforts to enhance both internal communications with employees and external communications with members of the public, a mission statement and values have been developed for the Executive Committee's review.

***Recommendation (at Committee)***

The order in which the values appear should be: Integrity, Customer Focus, Teamwork/Partnership, Communication, and Can-Do Spirit.

Members voted to approve staff's recommendation to approve recommended Mission Statement and forward to the Board of Directors for consideration.

**11. Bay Bridge Cost Overruns**

Alex Esparza/Richard J. Bacigalupo

***Overview***

At the request of the Board of Directors, staff has provided an update on Bay Bridge cost overruns discussions, in order to reassess a previous Orange County Transportation Authority position opposing the use of statewide transportation funds for Bay Area Toll Bridge cost overruns. The Board's position will be advocated during upcoming deliberations in Sacramento.

**11. (Continued)**

***Recommendation***

Oppose the use of statewide transportation funding to pay for San Francisco Oakland Bay Bridge cost overruns and support efforts to require that these cost overruns to be paid through local revenues.

**12. Review of Investment Activities for July through September 2004**

Robert A. Duffy/Richard J. Bacigalupo

***Overview***

The Internal Audit Department has completed a review of investment activities for the period July 1, 2004, through September 30, 2004. The review indicated that investments were in compliance with the Orange County Transportation Authority's debt, investment and accounting objectives, policies and procedures.

***Recommendation***

Receive and file the Review of Investment Activities for July through September 2004, Internal Audit Report No. 05.017.

**13. Buy America Review**

Robert A. Duffy/Richard J. Bacigalupo

***Overview***

Internal Audit has reviewed the costs for the vehicles proposed by Creative Bus Sales, Inc./EIDorado National Co., to determine if the costs were in compliance with Federal "Buy America" guidelines. During the review, Internal Audit determined that vehicle costs in excess of 60 percent will be of U.S. content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended.

***Recommendation***

Receive and file the Creative Bus Sales, Inc./EIDorado National Co. Buy America Review, Internal Audit Report No. 05-018.

- 14. Award of Construction Contract for Americans with Disabilities Act Bus Stop Modifications (Phase 3, Construction Package 4)**  
Dipak Roy/Stanley G. Phernambucq

***Overview***

As part of the Orange County Transportation Authority's Fiscal Year 2004-05 Budget, the Board approved construction of Americans with Disabilities Act improvements at the Orange County Transportation Authority's bus stops countywide. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board approval is requested to execute an agreement.

***Recommendation***

Authorize the Chief Executive Officer to execute Agreement C-4-1205, between the Orange County Transportation Authority and CJ Construction, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$587,200, for Americans with Disabilities Act Bus Stop Modifications in the Cities of Fountain Valley, Garden Grove, and Westminster.

- 15. Measure M Quarterly Report**  
Norbert Lippert/Stanley G. Phernambucq

***Overview***

Staff has prepared a Measure M progress report for the fourth quarter of 2004. This is a regular report that highlights the Measure M projects and programs currently under development.

***Recommendation***

Receive and file as an information item.

- 16. Selection of Consultant for the Riverside Freeway (State Route 91) Eastbound Auxiliary Lane Project Management Services**  
Mary Toutounchi/Paul C. Taylor

***Overview***

As part of the Orange County Transportation Authority's Fiscal Year 2004-05 Budget, the Board approved the procurement of project management services to complete the preliminary engineering and environmental document phase for the Riverside Freeway (State Route 91) Eastbound Auxiliary Lane Project. Proposals to perform this work were solicited and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board approval is requested to execute an agreement.

***Recommendation***

Authorize the Chief Executive Officer to execute Agreement C-4-1124 between the Orange County Transportation Authority and IBI Group, in an amount not to exceed \$192,300, for project management consultant services in support of the Riverside Freeway (State Route 91) Eastbound Auxiliary Lane Chokepoint Project. This is an eighteen month agreement.

- 17. Selection of Consultant for Chokepoint Program Project Management Services**  
Mary Toutounchi/Paul C. Taylor

***Overview***

As part of the Orange County Transportation Authority's Fiscal Year 2004-05 Budget, the Board approved the procurement of project management services to support Strategic Planning Division in developing, managing, and monitoring projects within the Freeway Chokepoint Program. Proposals to perform this work were solicited and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board approval is requested to execute an agreement.

**17. (Continued)**

***Recommendation***

Authorize the Chief Executive Officer to execute Agreement C-4-1146 between the Orange County Transportation Authority and APA Engineering, Inc., in an amount not to exceed \$145,000, for project management services in support of the Freeway Chokepoint Program. This is a one year agreement.

**18. Congestion Mitigation and Air Quality Funds for Fiscal Year 2004-05**

Darrell Johnson/Paul C. Taylor

***Overview***

Due to changes in the way the State Department of Transportation manages federal funds, staff has reviewed impacts to projects in Orange County and is recommending strategies to ensure that all federal funds are available for use in the region.

***Recommendations***

- A. Approve the use of \$35 million of fiscal year 2004-05 Congestion Mitigation and Air Quality funds for the purchase of Metrolink rolling stock needed for the intracounty service, the design and construction of Keller Yard Storage Facility, and the Los Angeles Union Station Mail Dock Demolition and Restoration Project.
- B. Authorize staff to process necessary Regional Transportation Improvement Program and State Transportation Improvement Program amendments as required by the above actions.
- C. Authorize staff to process necessary cooperative agreements with the California Department of Transportation, the Southern California Regional Rail Authority and its member agencies as required by the above actions.



**19. Citizens' Advisory Committee**  
Tamara S. Warren/Ellen S. Burton

***Overview***

It is recommended the Orange County Transportation Authority Board of Directors consider the structure of and appointment process for the Citizens' Advisory Committee. A summary of the current committee structure and recommendations are provided with this report.

***Recommendations***

- A. Approve the recommended Orange County Transportation Authority Citizens' Advisory Committee structure and direct staff to initiate recruitment of participants.
- B. Recommend the Board of Directors adopt resolutions of appreciation 2005-11 through 2005-52 for members of the 2004 Citizens' Advisory Committee.

**20. Purchase Order for 91 Express Lanes Property Insurance**  
Al Gorski/James S. Kenan

***Overview***

The Orange County Transportation Authority has a property insurance policy for the 91 Express Lanes with Continental Casualty Company, which expires on February 28, 2005.

***Recommendation***

Authorize the Chief Executive Officer to issue Purchase Order C-4-1187 between the Orange County Transportation Authority and Marsh Risk and Insurance Services, in an amount not to exceed \$450,000, to purchase property insurance for the period of March 1, 2005, to February 28, 2006.

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

### **21. Amendment to Agreement for Janitorial Services**

Ryan Erickson/William L. Foster

#### ***Overview***

On February 6, 2003, the Board of Directors approved an agreement with Diamond Contract Services, Inc. to provide janitorial services at all Orange County Transportation Authority owned facilities for a one-year period with two one-year options.

#### ***Recommendation***

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement C-2-1189 between the Orange County Transportation Authority and Diamond Contract Services, Inc., in an amount not to exceed \$700,000, to exercise the second option year for janitorial services at all Orange County Transportation Authority owned facilities.

### **22. Cooperative Agreement with Regional Center of Orange County**

Dana Wiemiller/William L. Foster

#### ***Overview***

The Orange County Transportation Authority and the Regional Center of Orange County propose to enter into a Cooperative Agreement to establish a partnership to provide transportation services to Regional Center consumers in cooperation with day programs that have successfully been awarded funds for service vehicles through Section 5310.

#### ***Recommendation***

Authorize the Chief Executive Officer to execute Cooperative Agreement C-5-0056 between the Orange County Transportation Authority and the Regional Center of Orange County, in an amount not to exceed \$564,000, to share in the cost of providing transportation services to consumers of the Regional Center through June 30, 2006.

## Regular Calendar

23. **Orange County Grade Crossing Safety Enhancement Program Update**  
Shohreh Dupuis/Paul C. Taylor

### ***Overview***

City of Placentia has submitted a request to Supervisor Chris Norby for \$3 million of funding from Orange County Transportation Authority. The request is for supplemental funding for the City's rail crossing program. An overview of steps taken by the Authority with respect to enhancing rail crossing safety is presented for Committee information and discussion.

### ***Recommendation***

Receive and file as an information item.

24. **Options Regarding Rapid Transit**  
Paul C. Taylor

### ***Overview***

At the January 24, 2005, Measure M Workshop, members of the Board of Directors discussed options for proceeding with rapid transit since The CenterLine Light Rail Project was not included in the list of projects approved by the United States Congress in November 2004 to receive funding from the Federal Transit Administration. The Board asked staff to develop options that took into consideration the workshop discussion, develop recommendations that preserve eligibility for federal participation, and bring them to the Transit Planning and Operations Committee and the Board for action.

### ***Recommendations***

- A. Authorize the Chief Executive Officer to develop a process for further study of rapid transit options selected by the Board, including discussions with the Citizens' Oversight Committee use of Measure M Transit funds for bus rapid transit and/or other selected options, and return with recommendations of resources required.

**24. (Continued)**

- B. Authorize the Chief Executive Officer to explore conversion of the current light rail transit project to a bus rapid transit project beginning on the Bristol Street portion of the current light rail project and return with recommendations of resources required, including amending current consultant contracts for project management, preliminary engineering and environmental impact documentation.
- C. Authorize the Chief Executive Officer to develop a process for the Board of Directors to revisit and revise the rapid transit master plan in concert with recently-begun efforts to revise the Authority's Long Range Transportation Plan.

**25. 91 Express Lanes Operating Contract**

Paul C. Taylor

***Overview***

The Orange County Transportation Authority has owned the 91 Express Lanes toll road franchise since January 3, 2003, and the agreement with its main operating contractor expires January 3, 2006. It is requested the Board of Directors approve exploring certain refinements to the operating approach in the release of a Request for Proposals.

***Recommendations***

- A. Review and comment on the refinements to the 91 Express Lanes approach to operations.
- B. Approve exploring refinement in the release of a Request for Proposals for 91 Express Lanes contracted operations.

## **Other Matters**

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

**27. Directors' Reports**

**28. 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.

**29. Closed Session**

Pursuant to Government Code 54956.9(c).

**30. Adjournment**

The next regularly scheduled meeting of the OCTA/OCTD/OCLTA/OCSAFE/OCSAAV Board will be held at 9:00 a.m. on February 28, 2005, at OCTA Headquarters at 600 South Main Street, First Floor - Room 154, Orange, California.