

**FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY
BOARD OF DIRECTORS
AGENDA**

**July 10, 2008
9:30 a.m.**

**TCA Offices
125 Pacifica, Irvine, CA 92618**

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 listed Action represents staff's recommendation. The Board may take any action it deems to be appropriate on the agenda item, and is not limited in any way by the recommended action. In compliance with the Americans with Disabilities Act, those requiring special accommodation for this meeting should notify the Clerk of the Board 24 hours prior to the meeting at (949) 754-3400. The Agenda is posted at the TCA office and is also available on the web site at www.thetollroads.com.

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

(Chairman Jerry Amante)

INVOCATION

(Director Pat Bates)

ROLL CALL

Chairman Jerry Amante	City of Tustin
Director Sam Allevato	City of San Juan Capistrano
Director Lisa Bartlett	City of Dana Point
Director Pat Bates	County of Orange, 5 th District
Director Neil Blais	City of Rancho Santa Margarita
Director Carlos Bustamante	City of Santa Ana
Director Bill Campbell	County of Orange, 3 rd District
Director Jim Dahl	City of San Clemente
Vice Chairman Peter Herzog	City of Lake Forest
Director Jan Horton	City of Yorba Linda
Director Beth Krom	City of Irvine
Secretary Lucille Kring	City of Anaheim
Director Lance MacLean	City of Mission Viejo
Director Mark Murphy	City of Orange
Director Chris Norby	County of Orange, 4 th District
Cindy Quon, Ex Officio Member	Caltrans

II. PUBLIC COMMENTS

At this time members of the public may address the Board regarding any items within the subject matter jurisdiction of the Board, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per person and twenty (20) minutes for all comments, unless the Chairman, subject to the approval of the Board, sets different time limits.

III. CONSENT CALENDAR (Items 1 – 5)

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no discussion of these items unless Board Members request specific items to be removed from the Consent Calendar for separate action.

1. MINUTES OF THE JUNE 12, 2008 MEETING
OF THE FOOTHILL/EASTERN BOARD OF DIRECTORS
(Annita Henzie, Clerk of the Board)
REPORT NO. 2: (2008F-001)
ACTION: Approve Minutes.
2. INVESTMENT REPORT F/ETCA
(Brenda Shott, Acting Chief Financial Officer)
REPORT NO. 6: (2008F-003)
The Foothill/Eastern Investment Portfolio is in compliance with the California Government Code as of May 31, 2008. The portfolio is also in compliance with the F/ETCA Investment Policy as of May 31, 2008.
ACTION: Receive and file.
3. QUARTERLY REPORT OF ROUTINE BUSINESS EXPENSE CONTRACTS
(Eileen Harrigan, Manager, Contracts & Procurement)
REPORT NO. 7: (2008J-003)
Per the procedures identified in the Contracts and Procurement Services Policies and Procedures Manual, adopted by the Boards in 2004, staff is providing a quarterly update report regarding the authorization by the Chief Executive Officer of routine business expense agreements. The attachments to this report identify those routine business expense agreements that have been approved or executed under CEO authority in the past quarter along with those that are currently anticipated to be executed in the upcoming quarter.
ACTION: Receive and file.

4. ANNUAL ANTICIPATED DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION LEVEL FOR FEDERAL FISCAL YEAR (FFY) 2008/09

(Eileen Harrigan, Manager, Contracts & Procurement)

REPORT NO. 9: (2008F-018)

Board approval and adoption of the AADPL for FFY 2008/09 are required to ensure compliance with U.S. Department of Transportation's (USDOT) federal funding requirements, provisions and financial responsibilities. Staff intends to procure and recommend to the Board award of contracts for a technology demonstration project involving image-based toll collection systems, funded from a grant issued by Federal Highway Administration (FHWA), within the upcoming FFY 2008/09. Failure to approve and adopt an AADPL will directly jeopardize the Agency's federal funding.

ACTION: Approve the item and authorize the CEO to execute the Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) of 1.86% for Federal Fiscal Year (FFY) 2008/09 (covering the period of October 1, 2008 through September 30, 2009).

5. PACKARD GOVERNMENT AFFAIRS FOR LEGISLATIVE ADVOCACY SERVICES FOR FOOTHILL-SOUTH, AMENDMENT NO. 5, CONTRACT K000062

(Barbie Daly, Manager, Government & Legislative Affairs)

REPORT NO. 11: (2008F-023)

Packard Government Affairs has acted on behalf of the Foothill/Eastern Transportation Corridor Agency since 2001 providing assistance to TCA staff and the Agency's federal advocates in Washington, DC. The scope of their services has included strategic planning, local representation in San Diego County, and direct intervention with local, state, and federal government agencies and elected officials relative to the completion of the Foothill-South project. Since 2001, they have been continuously under contract and have provided valuable legislative advocacy in support of the Agencies' objectives. Packard Government Affairs was selected through a competitive RFP process in 2001. At this time, staff recommends an increase in the contract value to provide funding through July 31, 2009.

ACTION: Authorize the CEO to execute Amendment No. 5 to Contract No. K000062 with Packard Government Affairs to increase the contract in an amount not-to-exceed \$84,000, for services through July 31, 2009.

IV. BOARD BUSINESS

6. TRANSPONDER PRESENTATION

(Joyce Hill, Manager, Customer Service)

Verbal presentation. No action required.

7. CHIEF EXECUTIVE OFFICER'S REPORT

(Thomas Margro, CEO)

- Update on School Paleo Outreach Program
(Valarie McFall)
- Spring Tours
(Jennifer Seaton)

8. DIRECTORS' REPORTS AND NEW BUSINESS

(Jerry Amante, Chairman)

- Recognition of Lance MacLean, past Chairman of the Foothill/Eastern Board of Directors.

V. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

Pamela Mathews Avery et. al. v. San Joaquin Hills Transportation Corridor Agency,
Foothill/Eastern Transportation Corridor Agency et. al.
(Orange County Superior court Case No. 07CC00004)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

California State Parks Foundation, et al. v. Foothill/Eastern Transportation Corridor
Agency, et al.
(San Diego Superior Court, Case No. GIN 051194)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

People of the State of California, ex rel. Bill Lockyer, et al. v. Foothill/Eastern
Transportation Corridor Agency, et al.
(San Diego Superior Court, Case No. GIN 051371)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

Native American Heritage Commission v. Foothill/Eastern Transportation Corridor
Agency
(San Diego Superior Court, Case No. GIN 051370)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(a)

Rancho Mission Viejo, LLC v. Foothill/Eastern Transportation Corridor Agency
(Orange County Superior Court Case No. 07CC00688)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
(Three potential cases)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Building Industry Assn. Of Southern California v. Kempthorne

(U.S. District Court, Central District of California, Case No. CV 01-7028 SVW
(CTx))

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: Saddle Creek South Parcel, APN 856-023-14, 856-023-18 and 856-023-19

Agency Negotiators: Thomas Margro, Terry Swindle, Valarie McFall

Negotiating Parties: Foothill/Eastern Transportation Corridor Agency and Rutter
Development. Under negotiation: Purchase price and terms of payment

VI. ADJOURNMENT

The next regularly scheduled meeting of the Foothill/Eastern Board of Directors will be
August 14, 2008 at 9:30 a.m., TCA Offices, 125 Pacifica, Irvine, CA 92618