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## **BOARD AGENDA**

### **Board Members**

Mark A. Murphy, Chairman  
Gene Hernandez, Vice Chairman  
Lisa A. Bartlett  
Doug Chaffee  
Jose Diaz  
Andrew Do  
Katrina Foley  
Brian Goodell  
Patrick Harper  
Michael Hennessey  
Steve Jones  
Fred Jung  
Jessie Lopez  
Tam Nguyen  
Vicente Sarmiento  
Donald P. Wagner  
Ryan Chamberlain

Orange County Transportation Authority  
Board Room  
550 South Main Street  
Orange, California  
**Monday, December 12, 2022 at 9:00 a.m.**

### **Teleconference Location:**

LUMA Hotel San Francisco  
Conference Room  
100 Channel Street  
San Francisco, CA 94158

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

### **Agenda Descriptions**

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 Committee 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.



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## **BOARD AGENDA**

### **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.

### **Meeting Access and Public Comments on Agenda Items**

Members of the public can either attend in-person (subject to OCTA's Coronavirus (COVID-19) safety protocols) or listen to live audio streaming of the Board and Committee meetings by clicking the below link:

<https://octa.legistar.com/Calendar.aspx>

Members of the public may address the Board of Directors regarding any item in two ways:

#### **In-Person Comment**

Members of the public may attend in-person (subject to OCTA's COVID-19 safety protocols) and address the Board regarding any item. Members of the public will be required to complete a COVID-19 symptom and temperature screening.

Please complete a speaker's card and submit it to the Clerk of the Board (or notify the Clerk of the Board the item number on which you wish to speak). 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 minutes.

#### **Written Comment**

Written public comments may also be submitted by emailing them to [ClerkOffice@octa.net](mailto:ClerkOffice@octa.net), and must be sent by **5:00 p.m. the day prior to the meeting**. If you wish to comment on a specific agenda item, please identify the item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.



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## **BOARD AGENDA**

### **Call to Order**

### **Invocation**

Director Do

### **Pledge of Allegiance**

Chairman Murphy

### **Special Calendar**

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

**1. Administration of the Oath of Office to New Orange County Transportation Authority Board of Directors**

Oath of Office will be administered to new Board Members Jose Diaz and Jessie Lopez.

**2. Closed Session**

A Closed Session will be held as follows:

- A. Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Orange County Transportation Authority v. One Pacific Plaza Association, et al., OCSC Case No. 30-2018-01025154.
- B. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the maintenance unit. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of People and Community Engagement and Teamsters Local 952 representative, Frank Sevilla.



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**BOARD AGENDA**

**3. Update on Emergency Railroad Track Stabilization in the Vicinity of Milepost 206.8 on the Orange Subdivision**

Jason Lee/James G. Beil

***Overview***

A hillside adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 206.8 on the Orange Subdivision, has failed and continues to incrementally move, pushing the railroad tracks toward the Pacific Ocean. Measures are being taken to stabilize the landslide to restore and maintain passenger and freight rail service. Staff will provide an update on efforts to stabilize the railroad tracks.

***Recommendation***

Reaffirm Resolution No. 2022-075 authorizing the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track stabilization in the vicinity of Mile Post 206.8 on the Orange Subdivision, and to return to the Board of Directors, as required, to report on the status thereof.

**4. Salute to the Outgoing Orange County Transportation Authority Board of Directors**

***Overview***

Present Orange County Transportation Authority Resolution of Appreciation No. 2022-082, 2022-086, 2022-090 to outgoing Board Members Lisa A. Bartlett, Mark A. Murphy, and Tim Shaw.

**5. Presentation of Resolutions of Appreciation for Employees of the Month for December 2022**

***Overview***

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2022-087, 2022-088, and 2022-089 to Roth Ith, Coach Operator; Travis Corey, Maintenance; and Amelia Hsu, Administration, as Employees of the Month for December 2022.



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**BOARD AGENDA****Consent Calendar (Items 6 through 25)**

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*****Recommendation***

Approve the minutes of the October November 28, 2022 Orange County Transportation Authority and affiliated agencies' regular meeting.

**7. Proposed 2023 Board of Directors Meetings Calendar**

Andrea West/Jennifer L. Bergener

***Overview***

Presented are the proposed 2023 Board of Directors and Committee meetings calendars, depicting the dates of the Board of Directors and Committee meetings and holidays for the year.

***Recommendation***

Approve the Orange County Transportation Authority and affiliated agencies 2023 Board of Directors meetings calendar.



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**BOARD AGENDA**

8. **Right-of-Way and Appraisal Services and Activities, Internal Audit Report No. 22-511**  
Gabriel Tang/Janet Sutter

***Overview***

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of right-of-way and appraisal services and activities. Based on the audit, service procurements were handled in accordance with procurement policies and procedures, and oversight and invoice review controls are adequate. However, recommendations were made to ensure a documented cost or price analysis is conducted for contract amendments, and to expand policy and procedures to provide clarification on the application of settlement authority thresholds.

***Recommendation***

Direct staff to implement two recommendations provided in Right-of-Way and Appraisal Services and Activities, Internal Audit Report No. 22-511.

9. **Amendment to Agreement for Emergency Security Services**  
Matt Ankley/Jennifer L. Bergener

***Overview***

On February 15, 2022, the Orange County Transportation Authority entered into an agreement with SecurSolution, Inc., to provide emergency security services on a temporary basis at the Santa Ana and Garden Grove bus bases. An amendment is needed for additional emergency security services.

***Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-2-2226 between the Orange County Transportation Authority and SecurSolution, Inc., in the amount of \$27,086, for additional emergency security services. Amending this agreement will increase the maximum cumulative obligation of the agreement to a total contract value of \$167,086.



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**BOARD AGENDA**

**10. Fiscal Year 2021-22 Audited Financial Statements and Independent Auditor's Reports on Internal Control over Financial Reporting**  
Rima Tan/Andrew Oftelie

***Overview***

The Orange County Transportation Authority is required to obtain an independent auditor's opinion on various financial statements and schedules. Crowe LLP, an independent accounting firm, has completed its annual audit of the Orange County Transportation Authority for fiscal year 2021-22. In addition, a report has been issued on the results of additional analysis performed by Crowe LLP, to assist management in determining compliance with certain state requirements.

In connection with the annual audit of the Orange County Transportation Authority, Crowe LLP has issued an auditor's report on internal control over financial reporting with two findings.

***Recommendations***

- A. Receive and file the fiscal year 2021-22 audited financial statements and independent auditor's report on internal control over financial reporting as information items.
- B. Direct staff to implement auditor recommendations related to findings over internal controls.

**11. Orange County Employees Retirement System Early Payment for Fiscal Year 2023-24**  
Robert Davis/Andrew Oftelie

***Overview***

The Orange County Employees Retirement System has offered an early payment discount to member agencies of 5.8 percent if they elect to prepay their contributions for fiscal year 2023-24. Advance payments must be received before January 13, 2023. The estimated savings for the Orange County Transportation Authority over the next year and a half under this payment option will total approximately \$300,000. Board of Directors' authorization is requested for the early payment option.



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**BOARD AGENDA*****Recommendation***

Authorize the early payment of approximately \$30.6 million by January 13, 2023, to the Orange County Employees Retirement System for member contributions for fiscal year 2023-24.

- 12. Orange County Transportation Authority Investment and Debt Programs Report - October 2022**  
Robert Davis/Andrew Oftelie

***Overview***

The Orange County Transportation Authority has a comprehensive investment and debt program to fund its immediate and long-term cash flow demands. Each month, the Treasurer submits a report detailing investment allocation, performance, compliance, outstanding debt balances, and credit ratings for the Orange County Transportation Authority's debt program. This report is for the month ending October 31, 2022.

***Recommendation***

Receive and file as an information item.

- 13. Agreement for Palo Alto Firewall Renewal Subscriptions**  
Michael Cardoza/Andrew Oftelie

***Overview***

As part of the Orange County Transportation Authority's Fiscal Year 2022-23 Budget, the Orange County Transportation Authority Board of Directors approved expenditures for Palo Alto renewal subscriptions. Palo Alto provides firewall hardware and services used as Orange County's Transportation Authority's primary cybersecurity defense for all connections into and out of the Orange County Transportation Authority Nevada data center, Orange Administration building, and five bus bases. A firewall is a network security device used to monitor incoming and outgoing network traffic and permits or blocks this traffic based on the organization's security rules. Palo Alto subscriptions provide licensing and services needed for these firewalls to meet the federal, state, and Orange County Transportation Authority policy requirements. Bids were received in accordance with the Orange County Transportation Authority's procurement procedures. Board of Directors' approval is requested to execute the agreement.





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**BOARD AGENDA*****Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A52259 between the Orange County Transportation Authority and Thomas Gallaway Corporation, doing business as Technolgent, in the amount of \$393,639 for Palo Alto Firewall renewal subscriptions for a three-year term.

**14. Active Transportation Program Biannual Update**  
Peter Sotherland/Kia Mortazavi***Overview***

The Orange County Transportation Authority coordinates regional active transportation efforts in Orange County. An update on recent and upcoming activities is provided for review.

***Recommendation***

Receive and file as an information item.

**15. 2023 Technical Steering Committee Membership**  
Cynthia Morales/Kia Mortazavi***Overview***

The Orange County Transportation Authority Technical Advisory Committee provides feedback and input on Measure M2 local streets and roads related items. The Technical Advisory Committee relies on a Technical Steering Committee to have a more in-depth review of technical items. Proposed 2023 Technical Steering Committee membership recommendations are presented for Board of Directors' review and approval.

***Recommendation***

Approve the proposed 2023 Technical Steering Committee membership recommendations.



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**BOARD AGENDA****16. Securing State and Federal Formula Funds for Highway, Transit, and Complete Streets Priority Projects**

Ben Ku/Kia Mortazavi

***Overview***

The Orange County Transportation Authority is responsible for programming state and federal formula funds to transportation projects based on state and federal guidance. Funding recommendations are presented to ensure state and federal funds are committed by the Orange County Transportation Authority for priority projects.

***Recommendations***

- A. Authorize the use of up to \$128.800 million for five highway projects from the following fund sources:
  - \* Surface Transportation Block Grant (\$54.711 million),
  - \* Measure M2 (\$57.589 million), and
  - \* Congestion Mitigation and Air Quality Improvement Program (\$16.5 million).
  
- B. Authorize the use of up to \$173.14 million for five transit programs/projects from the following formula fund sources:
  - \* Congestion Mitigation and Air Quality Improvement Program (\$116.971 million),
  - \* Carbon Reduction Program (\$35.344 million),
  - \* Surface Transportation Block Grant (\$9 million),
  - \* SB 1 (Chapter 5, Statutes of 2017) Local Partnership Program – Formula (\$7.825 million), and
  - \* SB 1 State of Good Repair (\$4 million).
  
- C. Authorize the use of up to \$55 million for a future Complete Streets call for projects from the following formula fund sources:
  - \* Surface Transportation Block Grant (\$43 million), and
  - \* Congestion Mitigation and Air Quality Improvement Program (\$12 million).
  
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.



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**BOARD AGENDA****17. Consultant Selection for Preliminary Engineering and Environmental Services for the Garden Grove to Santa Ana Rails to Trails**

Peter Sotherland/Kia Mortazavi

***Overview***

On July 25, 2022, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals to provide preliminary engineering and environmental services for the Garden Grove to Santa Ana Rails to Trails. Board of Directors' approval is requested to select a firm to perform the required work.

***Recommendations***

- A. Approve the selection of Alta Planning + Design, Inc., as the firm to provide preliminary engineering and environmental services for the Garden Grove to Santa Ana Rails to Trails.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2595 between the Orange County Transportation Authority and Alta Planning + Design, Inc., to provide preliminary engineering and environmental services for the Garden Grove to Santa Ana Rails to Trails.

**Orange County Transit District Consent Calendar Matters****18. Agreement for Installation of Battery-Electric Bus Chargers at Garden Grove Bus Base**

George Olivo/James G. Beil

***Overview***

On October 6, 2022, the Orange County Transportation Authority issued an invitation for bids for installation of battery-electric bus chargers at the Garden Grove Bus Base to support the pilot program for operation of OC Bus fixed-route service. Bids were received in accordance with Board of Directors-approved public works procurement procedures. Board of Directors' approval is requested to execute the agreement.



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**BOARD AGENDA*****Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2853 between the Orange County Transportation Authority and Elegant Construction Inc., the lowest responsive, responsible bidder, in the amount of \$260,000, for the installation of battery-electric bus chargers at the Garden Grove Bus Base.

**19. Amendment to Agreement for On-Call Materials Testing and Inspection Services for Facilities Projects**

George Olivo/James G. Beil

***Overview***

On November 25, 2019, the Orange County Transportation Authority Board of Directors approved an agreement for on-call materials testing and inspection services for facilities projects for a term of three years, with one, two-year option term. An amendment to the existing agreement to execute the option term is requested for continued on-call materials testing and inspection services for facilities projects.

***Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-9-1356 between the Orange County Transportation Authority and Ninyo & Moore Geotechnical & Environmental Science Consultants, to exercise the two-year option term for continued on-call materials testing and inspection services for facilities projects, in the amount of \$331,420, and extend the term of the agreement through December 31, 2024. This will increase the maximum obligation of the agreement to a total contract value of \$861,885.



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**BOARD AGENDA**

**20. February 2023 Bus Service Change**  
Jorge Duran/Kia Mortazavi

***Overview***

The proposed February 2023 bus service change consists of the implementation of the initial phase of the final service plan for the Making Better Connections Study, which was approved by the Board of Directors on October 24, 2022. This service change will restructure some OC Bus services and make minor schedule adjustments to improve service quality and reliability. The upcoming service change will set the stage for future improvements consistent with the Making Better Connections Service Plan.

***Recommendation***

Receive and file as an information item.

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

**21. Approval to Release Request for Proposals for Construction Management Support Services for the State Route 91 Improvement Project Between State Route 55 and Lakeview Avenue**  
Jeannie Lee/James G. Beil

***Overview***

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to retain a consultant to provide construction management support services for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.

***Recommendations***

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 2-2919 for selection of a consultant to provide construction management support services for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.



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**BOARD AGENDA**

- B. Approve the release of Request for Proposals 2-2919 to provide construction management support services for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.

**22. Contract Change Order for the Interstate 405 Improvement Project from State Route 73 to Interstate 605**

Jeff Mills/James G. Beil

***Overview***

On November 14, 2016, the Orange County Transportation Authority Board of Directors approved Agreement No. C-5-3843 with OC 405 Partners, a joint venture, for the design and construction of the Interstate 405 Improvement Project from State Route 73 to Interstate 605. A contract change order is needed to compensate OC 405 Partners for direct costs associated with resequencing and restaging certain paving operations near the Bolsa Avenue bridge.

***Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 143 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$5,100,000, for direct costs associated with resequencing and restaging certain paving operations near the Bolsa Avenue bridge.

**23. Environmental Mitigation Program Endowment Fund Investment Report for September 30, 2022**

Robert Davis/Andrew Oftelie

***Overview***

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan, acquired conservation properties, and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway programs. The California Community Foundation manages the non-wasting endowment required to fund the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and its performance.



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**BOARD AGENDA*****Recommendation***

Receive and file as an information item.

**24. Measure M2 Quarterly Progress Report for the Period of July 2022 Through September 2022**

Francesca Ching/Kia Mortazavi

***Overview***

Staff has prepared the Measure M2 Quarterly Progress Report for the first quarter of fiscal year 2022-23 as information for the Orange County Transportation Authority Board of Directors. This report highlights progress on Measure M2 projects and programs and is available to the public via the Orange County Transportation Authority website.

***Recommendation***

Receive and file as an information item.

**25. Measure M2 Environmental Mitigation Program Update**

Lesley Hill/Kia Mortazavi

***Overview***

Measure M2 includes a program to deliver comprehensive mitigation for biological impacts of 13 freeway projects in exchange for streamlined project approvals from state and federal resource agencies. The Environmental Mitigation Program has acquired conservation properties and provided habitat restoration projects funding as part of the Natural Community Conservation Plan/Habitat Conservation Plan. Summaries of past and 2022 Environmental Mitigation Program activities are provided for information purposes.

***Recommendation***

Receive and file as an information item.



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## **BOARD AGENDA**

### **Regular Calendar**

**26. Amendment to Agreement for the Procurement of 40-Foot Compressed Natural Gas-Powered Buses**

Cliff Thorne/Johnny Dunning, Jr.

***Overview***

On October 12, 2020, the Orange County Transportation Authority Board of Directors approved the selection of GILLIG LLC, as the firm to provide up to 165, 40-foot compressed natural gas-powered buses, with an option to purchase up to an additional 134 buses. Board of Directors' approval is requested to exercise the purchase option for 36 of the 134 additional buses.

***Recommendation***

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-9-1836 between the Orange County Transportation Authority and GILLIG LLC, in the amount of \$22,679,995 to exercise the option to purchase 36 additional buses. This will increase the maximum obligation of the agreement to a total contract value of \$124,537,700.

### **Discussion Items**

**27. Public Comments**

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

**29. Directors' Reports**

**30. Adjournment**

The next scheduled meeting of this Board will be held at 9:00 a.m. on

**Monday, January 9, 2023**

Orange County Transportation Authority

Board Room

550 South Main Street

Orange, California