

## **Orange County Transportation Authority**

## Board Agenda Monday, February 13, 2023 at 9:00 a.m.

550 South Main Street, Orange, California

## **Board Members**

Gene Hernandez. Chairman Tam Nguyen, Vice Chairman Doug Chaffee Jose Diaz Andrew Do Jon Dumitru Jamey Federico Katrina Foley Brian Goodell Patrick Harper Michael Hennessey Steve Jones Fred Juna Farrah N. Khan Jessie Lopez Vicente Sarmiento Donald P. Wagner Ryan Chamberlain, Ex-Officio

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.

## **Public Availability of Agenda Materials**

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

## **BOARD MEETING AGENDA**

## Meeting Access and Public Comments on Agenda Items

Members of the public can either attend in-person or listen to audio live streaming of the Board and Committee meetings by clicking this below link: https://octa.legistar.com/Calendar.aspx

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

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

Members of the public may attend in-person and address the Board regarding any item. 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, 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.

## Call to Order

### Invocation

Director Hennessey

## Pledge of Allegiance

Director Do

## **Special Calendar**

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

# 1. 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.

## Attachments:

#### Placeholder

## 2. Presentation of Resolutions of Appreciation to Employees of the Year for 2022

## Overview

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2023-008, 2023-009, and 2023-010 to Ignacio Cuica, Coach Operator, Gilberto Anaya, Maintenance; and Ross Lew, Administration, as Employees of the Year for 2022.

## **Consent Calendar (Items 3 through 23)**

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**

## 3. Approval of Minutes

#### Recommendation

Approve the minutes of the January 23, 2023 Orange County Transportation Authority and affiliated agencies' regular meeting.

#### Attachments:

## **Minutes**

## 4. Fiscal Year 2022-23 Internal Audit Plan, Second Quarter Update

Janet Sutter

### Overview

The Orange County Transportation Authority Board of Directors adopted the Orange County Transportation Authority Internal Audit Department Fiscal Year 2022-23 Internal Audit Plan on July 25, 2022. This report provides an update of activities for the second quarter of the fiscal year.

## Recommendation

Receive and file the second quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2022-23 Internal Audit Plan as an information item.

#### Attachments:

<u>Transmittal</u>

Staff Report

Attachment A

Attachment B

## Fiscal Year 2021-22 Single Audit and Agreed-Upon Procedures Reports Janet Sutter

## Overview

The Orange County Transportation Authority is required to obtain an independent auditor's opinion on its compliance with requirements of major federal programs. Crowe LLP, an independent accounting firm, has issued the required Single Audit Report with its opinion on the Orange County Transportation Authority's compliance with major federal programs. In addition, reports have been issued on the results of agreed-upon procedures applied by Crowe LLP, to assist management in determining compliance with certain state, federal, and local requirements.

## Recommendations

- A. Receive and file the fiscal year 2021-22 Single Audit and agreed-upon procedures reports, and management responses (as applicable) as information items.
- B. Direct staff to implement two auditor recommendations related to excess transfers of State Transit Assistance funds to the Orange County Transit District and complete preparation of the Schedule of Expenditures of Federal Awards.
- C. Direct staff to implement management responses to auditor findings in the application of agrees-upon procedures related to the National Transit Database report, the Treasury Department, and the Measure M2 Status report.

## Attachments:

**Transmittal** 

Staff Report

Attachment A

Attachment B

Attachment C

Attachment D

Attachment E

# 6. Administrative Employee Mandatory Training and Employee Educational Reimbursements, Internal Audit Report No. 23-503

Jonathan Thompson/Janet Sutter

#### Overview

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of administrative employee mandatory training and employee educational reimbursements. Based on the audit, controls over administrative employee mandatory training and administration of educational reimbursements should be improved. The Internal Audit Department offered two recommendations to address overpayments of educational reimbursements to improve controls.

#### Recommendation

Direct staff to implement two recommendations provided in Administrative Employee Mandatory Training and Employee Educational Reimbursements, Internal Audit Report No. 23-503.

### Attachments:

Transmittal

**Staff Report** 

**Attachment A** 

7. Adopt Resolution 2023-004 Designating the Orange County Transportation Authority's Applicant for Federal and State Disaster Assistance

Matt Ankley/Jennifer L. Bergener

## Overview

In order to receive state and federal disaster funds from the California Governor's Office of Emergency Services and the Federal Emergency Management Agency, the Orange County Transportation Authority is required to adopt a "Designation of Applicant's Agent Resolution." The designated agent(s) are authorized to apply and submit for financial assistance following a declared disaster.

#### Recommendation

Adopt Resolution No. 2023-004 designating the Chief Executive Officer and Deputy Chief Executive Officer as Orange County Transportation Authority's agents for executing applications for federal and/or state disaster assistance on behalf of the Orange County Transportation Authority.

## Attachments:

Transmittal

Staff Report

Attachment A

Attachment B

## 8. Amendment to Agreement for Information Technology Technical Staffing

Eden Wang/Andrew Oftelie

## Overview

On January 22, 2018, the Orange County Transportation Authority Board of Directors approved an agreement with Intratek Computer, Inc., to provide contract staffing services for Information Technology technical positions for a five-year term. An amendment is required to increase the maximum cumulative payment obligation to continue services.

#### Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-7-1949 between the Orange County Transportation Authority and Intratek Computer, Inc., in the amount of \$1,606,723, to continue providing contract staffing services for Information Technology technical positions through June 30, 2023. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$14,366,775.

## Attachments:

Transmittal

**Staff Report** 

Attachment A

## 9. Orange County Transportation Authority Investment and Debt Programs Report - November 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 November 30, 2022.

#### Recommendation

Receive and file as an information item.

#### Attachments:

<u>Transmittal</u>

Staff Report

Attachment A

## 10. Fiscal Year 2022-23 First Quarter Budget Status Report

Anthony Baruch/Andrew Oftelie

## Overview

Orange County Transportation Authority staff has implemented the fiscal year 2022-23 budget. This report summarizes the material variances between the budget and actual revenues and expenses through the first quarter of fiscal year 2022-23.

## Recommendation

Receive and file as an information item.

#### Attachments:

Transmittal

**Staff Report** 

**Attachment A** 

## 11. Agreement for System Manager and Business Analyst Support Services

Victor Velasquez/Andrew Oftelie

#### Overview

Consultant services are needed to support the various financial systems used by the Financial Planning and Analysis Department of the Orange County Transportation Authority. Proposals have been received and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Approval is requested to execute a new agreement for system manager and business analyst support services.

## Recommendations

- A. Approve the selection of Carpe Datum as the firm to provide system manager and business analyst support services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2575 between the Orange County Transportation Authority and Carpe Datum in the amount of \$591,600, for a two-year initial term from April 1, 2023 through March 31, 2025 with three, one-year option terms, to provide system manager and business analyst support services.

#### Attachments:

Transmittal

**Staff Report** 

Attachment A

Attachment B

## 12. Capital Programming Update - Federal Transit Administration Savings

Ben Ku/Kia Mortazavi

## Overview

The Orange County Transportation Authority uses federal, state, and local funding sources to implement planning efforts, construct capital projects, and deliver transit service. Project costs can vary from the original programmed amount due to changing circumstances, which may require revisions to the project funding. Board of Directors' authorization is requested to provide funding for the Tactile Tile Replacement Project at Metrolink station platforms and the Laguna Niguel-Mission Viejo Station Parking Improvements and Expansion Project as described herein.

## Recommendations

- A. Authorize the use of \$264,702 in Federal Transit Administration Section 5337 State of Good Repair funds for the Tactile Tile Project at Metrolink station platforms from savings on the Fullerton Transportation Center Stair Rehabilitation Project.
- of \$403,519 in Congestion Mitigation B. Authorize the use Air Quality and Niguel-Mission Viejo Improvement funds for the Laguna Station **Parking** Improvements and Expansion (Americans with Disabilities Act ramps) project from savings on the Laguna Niguel Passing Siding Project.
- C. 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.

#### Attachments:

**Early Transmittal** 

Staff Report

**Attachment A** 

Attachment B

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

13. Approval to Release Request for Proposals for the Development and Implementation of a Rider Validation System

Sam Kaur/Andrew Oftelie

#### Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to select a firm for the development and implementation of a new rider validation system for the Orange County Transportation Authority fixed-route bus system.

## Recommendations

- A. Approve the release of Request for Proposals 2-2980 to select a firm for the development and implementation of a new rider validation system for the Orange County Transportation Authority fixed-route bus system for a five-year initial term with one, five-year option term.
- B. Approve the proposed evaluation criteria and weightings for Request for Proposals 2-2980 for the development, installation, and implementation of a new rider validation system for the fixed-route bus system.

## Attachments:

Staff Report

Attachment A

# 14. Agreement for Compressed Natural Gas Fueling Facility Operations and Maintenance

Dayle Withers/Johnny Dunning, Jr.

## Overview

On October 26, 2022, the Orange County Transportation Authority issued a request for proposals for the operations and maintenance of the compressed natural gas fueling facility located at the Irvine Sand Canyon Bus Base. Proposals were received in accordance with the Orange County Transportation Authority procurement procedures for professional and technical services. Staff is requesting Board of Directors' approval to award an agreement for these services.

## Recommendations

- A. Approve the selection of Trillium USA Company, LLC, doing business as Trillium, as the firm to provide compressed natural gas fueling facilities operations and maintenance.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2898 between the Orange County Transportation Authority and Trillium USA Company, LLC, doing business as Trillium, in the amount of \$471,600, to provide compressed natural gas fueling facility operations and maintenance for a three-year initial term from March 1, 2023 through February 28, 2026 with one, two-year option term.

## Attachments:

**Early Transmittal** 

Staff Report

Attachment A

Attachment B

# 15. Amendment to Agreement for Preparation of Plans, Specifications, and Estimates for Transit Security and Operations Center

George Olivo/James G. Beil

## Overview

On November 25, 2019, the Orange County Transportation Authority Board of Directors approved an agreement with Stantec Architecture, Inc., for preparation of plans, specifications, and estimates for the Transit Security and Operations Center project. An amendment to the agreement is necessary for additional design services.

## Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 7 to Agreement No. C-9-0965 between the Orange County Transportation Authority and Stantec Architecture, Inc., in the amount of \$556,702, for additional design services for the Transit Security and Operations Center project. This will increase the maximum obligation of the agreement to a total contract value of \$5,144,903.

## Attachments:

Early Transmittal
Staff Report
Attachment A

## 16. Amendments to Agreements for Towing Services

Cliff Thorne/Johnny Dunning, Jr.

## Overview

On April 1, 2020, the Orange County Transportation Authority entered into agreements with P & H Enterprises, Inc., doing business as Anaheim Fullerton Towing, and Aliso Viejo Towing and Recovery, Inc., to provide bus towing services. Staff is requesting Board of Directors' approval to extend both agreements for two months, from April 1, 2023, through May 31, 2023.

#### Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-9-1757 between the Orange County Transportation Authority and P & H Enterprises, Inc., doing business as Anaheim Fullerton Towing, in the amount of \$65,000, to extend bus towing services from April 1, 2023 through May 31, 2023. Amending this agreement will increase the aggregate maximum payment obligation of the agreement to a total contract value of \$305,000.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-0-2175 with Aliso Viejo Towing and Recovery, Inc., in the amount of \$65,000, to extend bus towing services from April 1, 2023 through May 31, 2023. Amending this agreement will increase the aggregate maximum payment obligation of the agreement to a total contract value of \$305,000.

## Attachments:

**Early Transmittal** 

Staff Report

Attachment A

# Orange County Local Transportation Authority Consent Calendar Matters

## 17. Second Quarter Fiscal Year 2022-23 Capital Action Plan Performance Metrics

James G. Beil

#### Overview

Staff has prepared a quarterly progress report on capital project delivery for the period of September 2022 through December 2022, for review by the Orange County Transportation Authority Board of Directors. This report highlights the Capital Action Plan for project delivery, which is used as a performance metric to assess delivery progress on highway, transit, and rail projects.

## Recommendation

Receive and file as an information item.

#### Attachments:

Transmittal

**Staff Report** 

**Attachment A** 

**Attachment B** 

## 18. 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 at this time to compensate OC 405 Partners for the removal of existing overlapping soundwalls.

### Recommendation

Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 145 to Agreement No. C-5-3843 between the Orange County Transportation Authority and OC 405 Partners, a joint venture, in the amount of \$278,249, to remove existing overlapping soundwalls for the Interstate 405 Improvement Project from State Route 73 to Interstate 605.

## Attachments:

<u>Transmittal</u>

Staff Report

## 19. Consultant Selection for 91 Express Lanes Pavement Management Services

Josue Vaglienty/James G. Beil

## Overview

On September 29, 2022, the Orange County Transportation Authority released a request for proposals for pavement management services, including analysis of the existing pavement conditions and development of a pavement management report with recommendations for pavement preservation on the 91 Express Lanes. Proposals were received and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

## Recommendations

- A. Approve the selection of Infrastructure Management Services, LP, as the firm to provide pavement management services on the 91 Express Lanes.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2704 between the Orange County Transportation Authority and Infrastructure Management Services, LP, in the amount of \$349,950, for a five-year term to provide pavement management services for the 91 Express Lanes.

#### Attachments:

**Transmittal** 

Staff Report

Attachment A

Attachment B

20. Amendment to Cooperative Agreement with the California Department of Transportation for the Interstate 5 Improvement Project from Oso Parkway to Alicia Parkway

Niall Barrett/James G. Beil

#### Overview

On February 12, 2018, the Orange County Transportation Authority Board of Directors approved a cooperative agreement between the Orange County Transportation Authority and the California Department of Transportation to provide construction capital and construction support services for the Interstate 5 Improvement Project from Oso Parkway to Alicia Parkway as part of the Interstate 5 Improvement Project between State Route 73 and El Toro Road. Board of Directors' approval is requested to amend the cooperative agreement for additional funding for construction capital and construction support services.

#### Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-8-1426 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$23,660,000, for additional construction capital and construction support services for the Interstate 5 Improvement Project from Oso Parkway to Alicia Parkway. This will increase the maximum cumulative obligation of the cooperative agreement to a total contract value of \$196,456,000.
- B. Authorize the use of up to \$23,660,000 in Measure M2 funds for the construction phase of the Interstate 5 Improvement Project from Oso Parkway to Alicia Parkway.
- C. 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.

## Attachments:

**Transmittal** 

Staff Report

Attachment A

# 21. Measure M2 Environmental Mitigation Program Southern California Edison Coordination 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. Through the Environmental Mitigation Program, the Orange County Transportation Authority has acquired conservation properties and provided habitat restoration projects funding as part of the Natural Community Conservation Plan/Habitat Conservation Plan. This report provides an update on coordination efforts with Southern California Edison related to the Orange County Transportation Authority's conservation properties.

## Recommendation

Receive and file as an information item.

## Attachments:

**Transmittal** 

Staff Report

Attachment A

Attachment B

**Attachment C** 

# 22. Measure M2 Environmental Cleanup Program (Project X) - Tier 1 2023 Grant Program Call for Projects

Adrian Salazar/Kia Mortazavi

## Overview

The Measure M2 Environmental Cleanup Program (Project X) provides competitive grants to local jurisdiction for projects that protect Orange County waterways and beaches from roadway runoff. Updated program guidelines for the 2023 call for projects are presented for review and approval. With approval, staff will issue the call for projects and return with project funding recommendations in summer 2023.

## Recommendations

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs guidelines for the Tier 1 Environmental Cleanup Program.
- B. Authorize staff to issue the 2023 Environmental Cleanup Program Tier 1 call for projects.

## Attachments:

**Transmittal** 

Staff Report

Attachment A

Attachment B

23. Escalation Rate Adjustments Recommendations for Prior Regional Capacity Program and Regional Traffic Signal Synchronization Program Allocations

Charvalen Alacar/Kia Mortazavi

## Overview

The Orange County Transportation Authority's Regional Capacity Program and Regional Traffic Signal Synchronization Program allocate Measure M2 streets and roads funds for roadway and signal improvement projects through a competitive process. Due to recent extraordinary inflationary pressures, the Board of Directors authorized staff to accept escalation adjustment requests from local jurisdictions for existing project commitments that meet certain criteria. Staff has evaluated these requests, and a list of eligible projects with recommended one-time escalation adjustments is presented for Board of Directors' review and approval.

## Recommendations

- A. Approve one-time construction escalation adjustments to four previously approved (2020, 2021) Regional Capacity Program projects in the amount of \$2,751,877, increasing the overall Measure M2 award from \$13,905,846 to \$16,657,723.
- B. Approve one-time construction escalation adjustments to four previously approved (2020, 2021) Regional Traffic Signal Synchronization Program projects in the amount of \$1,599,615, increasing the overall Measure M2 award from \$9,377,300 to \$10,976,915.
- C. Approve a one-time right-of-way escalation adjustment to one previously approved 2018 Regional Capacity Program project in the amount of \$1,410,134, increasing the overall Measure M2 award from \$7,494,000 to \$8,904,134.
- D. Approve a modification to the Temporary Policy to apply escalation to Project O Regional Capacity Program and Project P Regional Traffic Signal Synchronization Program prior allocation related to right-of-way requirements.

## Attachments:

**Transmittal** 

Staff Report

Attachment A

Attachment B

Attachment C

Attachment D

## Regular Calendar

## 24. Interstate 405 Improvement Project Update

Jeff Mills/James G. Beil

#### Overview

The Orange County Transportation Authority is currently underway with the implementation of the Interstate 405 Improvement Project. This report provides a project update.

#### Recommendation

Receive and file as an information item.

### Attachments:

Transmittal

Staff Report

**Presentation** 

## **Discussion Items**

# 25. Accelerated Transportation Infrastructure Finance and Innovation Act Loan Disbursement - Update

Robert Davis/Andrew Oftelie

#### Overview

The Orange County Transportation Authority has a \$628.93 million Transportation Infrastructure Finance and Innovation Act Loan with an interest rate of 1.95 percent. The Orange County Transportation Authority has utilized Bond Anticipation Notes with an interest rate of 0.30 percent in lieu of drawing on the Transportation Infrastructure Finance and Innovation Act Loan to reduce financing costs. The significant increase in short-term treasury yields provided the opportunity for an additional reduction in financing costs. Staff will provide an update on the additional reduction in financing costs reached for the Interstate 405 Improvement Project.

#### Attachments:

Presentation

## 26. Long-Range Transportation Plan Status Update

Gregory Nord/Kia Mortazavi

## Overview

Staff to discuss the status of the Long-Range Transportation Plan, an overview of items previously presented to the Board of Directors, ongoing public engagement activities, and next steps.

### Attachments:

**Presentation** 

## **BOARD MEETING AGENDA**

- 27. Public Comments
- 28. Chief Executive Officer's Report
- 29. Directors' Reports
- 30. Closed Session

There are no Closed Sessions scheduled.

## 31. Adjournment

The next regularly scheduled meeting of this Board will be held:

9:00 a.m., on Monday, February 27, 2023

OCTA Headquarters 550 South Main Street Orange, California