



## **Call to Order**

The Monday, June 13, 2022, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Murphy at 9:01 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room, Orange, California.

**Directors Present:** Mark A Murphy, Chairman  
Gene Hernandez, Vice Chairman  
Lisa Bartlett  
Barbara Delgleize  
Katrina Foley  
Brian Goodell  
Patrick Harper  
Michael Hennessey  
Steve Jones  
Fred Jung  
Joseph Muller  
Tam Nguyen  
Vicente Sarmiento  
Donald P. Wagner  
Ryan Chamberlain

**Directors Absent:** Andrew Do  
Doug Chaffee

**Staff Present:** Darrell E. Johnson, Chief Executive Officer  
Jennifer L. Bergener, Deputy Chief Executive Officer  
Andrea West, Interim Clerk of the Board  
Gina Ramirez, Clerk of the Board Specialist, Senior  
Allison Cheshire, Clerk of the Board Specialist, Senior  
James Donich, General Counsel

## **Invocation**

Director Wagner gave the Invocation.

## **Pledge of Allegiance**

Director Nguyen led the Pledge of Allegiance.



## **Special Calendar**

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

#### **1. Public Hearing on Orange County Transportation Authority's Fiscal Year 2022-23 Budget and Personnel and Salary Resolution**

*(A verbatim transcript of this public hearing item is on file in the Clerk of the Board's office.)*

Darrell E. Johnson, CEO, provided opening comments and introduced Andrew Oftelie, Chief Financial Officer (CFO), who presented this item.

The DCOB read the legal notification of today's public hearing into the record.

A discussion ensued between Board members and OCTA staff.

Chairman Murphy opened the public hearing for public comments and, with no public comments received, closed the public hearing.

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Approve by Resolution the Orange County Transportation Authority's Fiscal Year 2022-23 Budget.
- B. Approve the Personnel and Salary Resolution for fiscal year 2022-23.
- C. Authorize the Chief Executive Officer, or his designee, to negotiate and execute the software and hardware licensing, maintenance, and emergency support purchase orders, and/or agreements.
- D. Approve fiscal year 2022-23 Orange County Transportation Authority member agency contribution to the Southern California Regional Rail Authority, operating subsidy, in an amount up to \$46,167,104, including authorization of federal funding to be drawn down directly by the Southern California Regional Rail Authority, in an amount up to \$46,167,104, which includes federal supplemental funding of \$26,624,520. In addition, approve the capital and rehabilitation expenditure budget contingent upon all member agencies' approval of their respective capital and rehabilitation budgets. The Orange County Transportation Authority portion of the costs for capital is \$3,447,350 and \$27,237,610 for rehabilitation.

Director Wagner voted in opposition on this item.



**33. Closed Session**

A Closed Session will be held as follows:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - Michael Brown v. Orange County Transportation Authority, et al. - OCSC Case No. 30-2020-01152939.

Board members present:

Chairman Murphy, Chairman, Vice Chairman Hernandez, Directors Bartlett, Delgleize, Foley, Goodell, Harper, Hennessey, Jones, Muller, Nguyen, Sarmiento, Wagner, and Chamberlain.

There was no report out.

**Consent Calendar (Items 2 through 27)**

**Orange County Transportation Authority Consent Calendar Matters**

**2. Approval of Minutes**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of May 23, 2022.

Directors Goodell and Sarmiento were not present to vote on this item.

**3. Amendment to Cooperative Agreement with the County of Orange, Orange County Sheriff's Department**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Cooperative Agreement No. C-0-2330 between the Orange County Transportation Authority and County of Orange, Orange County Sheriff's Department, in the amount of \$11,674,866, for Transit Police Services, effective July 1, 2022, through June 30, 2023. This will increase the maximum obligation of the agreement to a total contract value of \$33,414,261.

Directors Goodell and Sarmiento were not present to vote on this item.

**4. Amendments to the Cooperative User Fee Processing Agreement for Interoperable Toll Processing and Revenue Collection**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 9 to Agreement No. C-6-1510 between the Orange County Transportation Authority and Transportation Corridor Agencies, to extend the term until such time either agency no longer operates the toll facility.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-2-1960 between the Orange County Transportation Authority and Los Angeles County Metropolitan Transportation Authority, to extend the term until such time either agency no longer operates the toll facility.

Directors Goodell and Sarmiento were not present to vote on this item.

**5. Agreement for Treasury Management Software System**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Approve the selection of Clearwater Analytics LLC, as the firm to provide a treasury management software system.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-1-3860 between the Orange County Transportation Authority and Clearwater Analytics LLC, in the amount of \$984,800, to provide a treasury management software system for a five-year initial term and one, two-year option term.

Directors Goodell and Sarmiento were not present to vote on this item.

**6. Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limit for Fiscal Year 2022-23**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, adopt Orange County Transportation Authority Resolution No. 2022-030 to establish the Orange County Transportation Authority General Fund appropriations limit at \$14,071,204, for fiscal year 2022-23.

Directors Goodell and Sarmiento were not present to vote on this item.



**7. Orange County Transportation Authority Investment and Debt Programs Report - April 2022**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Directors Goodell and Sarmiento were not present to vote on this item.

**8. Fiscal Year 2021-22 Third Quarter Budget Status Report**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Receive and file as an information item.
- B. Approve a budget transfer of \$6 million in the Orange County Transportation Authority Fiscal Year 2021-22 Budget from the Services and Supplies major object to the Capital/Fixed Assets major object to accommodate a change in accounting practices issued by the Governmental Accounting Standards Board.

Directors Goodell and Sarmiento were not present to vote on this item.

**9. Annual Update to Investment Policy**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Adopt the Fiscal Year 2022-23 Investment Policy July 1, 2022.
- B. Authorize the Treasurer, to invest, reinvest, purchase, exchange, sell, and manage Orange County Transportation Authority funds during fiscal year 2022-23.

Directors Goodell and Sarmiento were not present to vote on this item.

**10. Amendment to Agreement for Information Technology Contract Technical Staffing**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-7-1949 between the Orange County Transportation Authority and Intratek Computer, Inc., in the amount of \$1,492,292, to continue providing contract staffing services for information technology technical positions. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$12,760,052.

Directors Goodell and Sarmiento were not present to vote on this item.

**11. SB 1196 (Umberg, D-Santa Ana) Update**

Chairman Murphy pulled this item for staff to provide a brief overview.

Public Comments were received from the following:

Diana Kotler, Executive Director for Anaheim Transportation Network (ATN)

Steven DeBaun, General Counsel for ATN

Todd Priest, Founder of Todd Priest & Associates for ATN.

A lengthy discussion ensued between Board members and OCTA staff.

A motion was made by Vice Chairman Hernandez, seconded by Director Wagner, and declared passed by those present to direct staff to adopt an OPPOSE position for SB 1196 (Umberg, D-Santa Ana).

Director Foley voted in opposition on this item.

Director Sarmiento was not present to vote on this item.

**12. Amendment to Agreement for Medical Clinic Services**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-9-1165 between the Orange County Transportation Authority and Akeso Occupational Health, to exercise the two-year option term, in the amount of \$282,000, to continue providing medical clinic services, effective August 1, 2022 through July 31, 2024. This will increase the maximum obligation of the agreement to a total contract value of \$855,000.

Director Sarmiento was not present to vote on this item.

**13. Agreement for Insurance Brokerage Services**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Approve the selection of Marsh USA, Inc., as the firm to provide insurance brokerage services.

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2257 between the Orange County Transportation Authority and Marsh USA, Inc., in the amount of \$670,000, to provide insurance brokerage and insurance document tracking services for a five-year term effective July 1, 2022 through June 30, 2027.

Director Sarmiento was not present to vote on this item.

#### **14. Regional Planning Update**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.

#### **15. Grant Acceptance for the Countywide Transportation Demand Management Strategic Plan**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Adopt Orange County Transportation Authority Resolution No. 2022-034 and authorize the Chief Executive Officer to accept the Sustainable Transportation Planning Grant award and execute required grant-related agreements and documents with the California Department of Transportation.
- B. Authorize the Chief Executive Officer to amend the Federal Transportation Improvement Program and process all necessary amendments to facilitate the recommendation above.

Director Sarmiento was not present to vote on this item.

#### **16. Capital Programming Update**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Authorize the use of \$17.8 million in Surface Transportation Block Grant Program funds and \$7 million in Measure M2 for the construction of the Interstate 605/Katella Interchange Improvement Project.

- B. Consistent with approved Amendment 1 to Agreement No. C-0-2073, authorize the use of up to \$1.97 million in 91 Express Lane excess revenue funds for the State Route 91 Improvement Project from Acacia Street to La Palma Avenue (Segment 3) for additional design support.
- C. Consistent with pending Amendment 3 to Agreement No. C-8-1426, authorize the use of up to \$1 million in additional Surface Transportation Block Grant Program funds for the Interstate 5 Widening Project from Oso Parkway to Alicia Parkway (Segment 2) for additional construction support.
- D. Authorize the use of up to \$1.8 million in Measure M2 funds for a regional traffic signal synchronization project in place of SB 1 (Chapter 5, Statutes of 2017) Solutions for Congested Corridor Program funding.
- E. 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.

Director Sarmiento was not present to vote on this item.

**17. Active Transportation Program Biannual Update**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.

**18. Draft 2022 State Route 91 Implementation Plan**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.





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

### **19. Radio Voice Over Internet Protocol Pilot for Paratransit Vehicles**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-2-2165 between the Orange County Transportation Authority and Conduent Transport Solutions, Inc., in the amount of \$250,000, for a one-year term, for an Intelligent Transportation Management System radio voice over internet protocol pilot program for paratransit vehicles.

Director Sarmiento was not present to vote on this item.

### **20. Bus Operations Performance Measurements Report for the Third Quarter of Fiscal Year 2021-22**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.

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

### **21. Cooperative Agreement with the California Department of Transportation for the Interstate 5 Improvement Project Between Yale Avenue and State Route 55 and Authority to Acquire Right-of-Way**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-2-2232 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$1,230,000, to perform right-of-way services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- B. Authorize the use of up to \$22,706,000 in federal Surface Transportation Block Grant and Measure M2 funding for right-of-way capital and right-of-way services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.



- 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.
- D. Authorize the Chief Executive Officer to initiate discussions with property owners and utility owners, make offers, and execute agreements for the acquisition of all necessary real property interests and necessary utility relocations.

Director Sarmiento was not present to vote on this item.

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

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Cooperative Agreement No. C-8-1426 between Orange County Transportation Authority and the California Department of Transportation, in the amount of \$1,000,000, for additional 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 \$172,796,000.

Director Sarmiento was not present to vote on this item.

**23. Resolution to Establish the Orange County Local Transportation Authority/Measure M2 Appropriations Limit for Fiscal Year 2022-23**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to:

Adopt Orange County Local Transportation Authority/Measure M2 Resolution No. 2022-029 to establish the Orange County Local Transportation Authority/Measure M2 appropriations limit at \$2,126,550,391, for fiscal year 2022-23.

Director Sarmiento was not present to vote on this item.



**24. Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2022**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to receive and file as an information item.

Director Sarmiento was not present to vote on this item.

**25. Measure M2 Quarterly Progress Report for the Period of January 2022 Through March 2022**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.

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

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, receive and file as an information item.

Director Sarmiento was not present to vote on this item.

**27. Measure M2 Eligibility Review Recommendations for Fiscal Year 2020-21 Expenditure Reports**

A motion was made by Vice Chairman Hernandez, seconded by Director Hennessey, and declared passed by those present to, approve all 35 Orange County local jurisdictions as eligible to continue receiving Measure M2 net revenues.

Director Sarmiento was not present to vote on this item.

## **Regular Calendar**

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

**28. South Orange County Multimodal Transportation Study Update**

Darrell E. Johnson, Chief Executive Officer (CEO), announced that due to time constraints, this item would be deferred to a future Board of Directors (Board) meeting.



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

**29. Approval to Adopt the Mitigated Negative Declaration Finding for the Orange County Maintenance Facility Project**

Mr. Johnson, CEO, provided opening comments and introduced Jim Beil, Executive Director of Capital Programs provided a presentation on this item.

The COB stated that public comments were received between Friday, June 10th at 4:48 a.m. and Sunday, June 12th 2022 at 6:44 p.m., OCTA's Clerk of the Board Department from the following:

Lisa Lohman  
Andrea Huyn  
Rutnam Bavan  
Edward Benveniste  
Karen Blakely  
Joanne Chan  
Shelly Chao  
Oliver Chi  
Michelle Chow  
Thomas Cooper  
Tina Duong  
Ellen Naderi  
Robert Onufer  
Davida Gregory  
Eleanor Griffin  
Jane Grubb  
Howard Hewitt  
Steve Huyn  
John Jun  
Richard Keegan  
Michael Keith  
Kelvin Ko  
Herman Keriawan  
John Kwon  
Sherman Lau  
Choon Lee  
Robert Swanson  
Tricia Takagi  
Jeanne Lu  
Raymond Wong

Annie Leong  
Howard Lichtman  
Bonnie Liu  
Chris and Joyce Loo  
Henrietta Ly  
Kolar Murthy  
Niki Sekhon  
Masud Naderi  
Stanley Ness  
Debbie Noonan  
Se Oh  
Daryl Okimoto  
Sonal Patel  
Beth Patrick  
Richard Leong  
Maha Rahel  
Lorie Rosen  
Stanley Ness  
Rupinder Sekhon  
Lara Shapiro  
Johnny Sheen  
Susan Lee  
Frank B. Smith  
Melissa Beth Sokolow  
Marilyn Sokolow  
Nehal Thurmar  
Sandy Toma  
David Wong  
Mechee Yu  
Izzy Zamora



The public comments would be retained as part of the June 13, 2022, Board of Directors meeting record.

A lengthy discussion ensued between Board members and OCTA staff.

Director Goodell requested the disclosures from the City of Irvine.

A motion was made by Vice Chairman Hernandez, seconded by Director Bartlett, and following a roll call vote, failed 6-7 to, adopt Resolution No. 2022-025 to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, pursuant to the California Environmental Quality Act, for the Metrolink Orange County Maintenance Facility.

Director Muller made a substitute motion seconded by Director Delgleize and declared passed by those present to, direct staff provide an analysis on a full Environmental Impact Report for the Orange County Maintenance Facility and return to a future Board of Directors meeting.

## **Discussion Items**

### **30. Public Comments**

There were no general public comments received.

### **31. Chief Executive Officer's Report**

Mr. Johnson, CEO, reported on the following:

#### **OC Streetcar Update**

- Starting with the OC Streetcar Project, Mr. Johnson was pleased to report that OCTA reopened the westbound side of Fourth Street to traffic in Downtown Santa Ana, between French Street and Bush Street, last Thursday afternoon.
- OCTA staff worked closely with the contractor to expedite the reopening of this segment to help alleviate some of the construction impacts on local businesses. And since the project is moving quickly on other areas to minimize the effects as much as possible while continuing our outreach efforts.



**Making Better Connections Study**

- OCTA has begun the Phase II public outreach efforts for the Making Better Connections Study that the Board approved a couple of weeks ago.
- Starting tomorrow, OCTA will host the first of three community meetings to collect public feedback on the Proposed Service Plan. Tomorrow's meeting will be in-person at the Laguna Hills Community Center.
- In addition, OCTA will host a virtual meeting on Wednesday, June 15<sup>th</sup>, and another in-person session on Thursday, June 16<sup>th</sup>, at the Santa Ana Senior Center. All meetings start at 6:00 p.m.
- The staff has already received more than 1,500 responses to the online survey on the OCTA website.

**Measure M Public Hearing**

- In closing, OCTA's Taxpayer Oversight Committee will hold its 31st annual public hearing tomorrow night to ensure Measure M is being delivered as promised to Orange County voters.
- This year's public hearing will be in-person at OCTA headquarters tomorrow, June 14<sup>th</sup> at 6:00 p.m., and is open to the public.

**32. Directors' Reports**

There were no Directors' Reports.

**34. Adjournment**

The meeting adjourned at 11:44 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, June 27, 2022**, at the Orange County Transportation Authority Headquarters, Board Room - Conference Room 07-08, 550 South Main Street, Orange, California.

ATTEST:

---

Gina Ramirez  
Clerk of the Board Specialist, Senior