



Call to Order

The Monday, December 12, 2022, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Murphy at 9:05 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

Directors Present: Mark A. Murphy, Chairman
Gene Hernandez, Vice Chairman
Lisa A. Bartlett
Doug Chaffee
Jose Diaz
Andrew Do
Katrina Foley
Brian Goodell
Michael Hennessey
Steve Jones
Fred Jung (via teleconference)
Jessie Lopez
Tam Nguyen
Vicente Sarmiento
Ryan Chamberlain, Ex-Officio

Directors Absent: Patrick Harper
Donald P. Wagner

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, Principal
Allison Cheshire, Clerk of the Board Specialist, Senior
Aaron Delgado, Employee Rotation Program
James Donich, General Counsel

Special Calendar

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

The Oath of Office was administered to incoming new Board Members Jose Diaz and Jessie Lopez.

2. Closed Session

A Closed Session was 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.

James Donich, General Counsel, reported out from Closed Session:

The Board of Directors approved, by a vote of 13-1, a three-year collective bargaining agreement with the maintenance employees represented by Teamsters 952.

Vice Chairman Hernandez voted in opposition to this item.

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

James G. Beil, Executive Director, Capital Programs, provided a presentation on this item.

A motion was made by Chairman Murphy, seconded by Vice Chairman Hernandez, and declared passed by those present, to 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.

Director Foley inquired about the project budget, train service through the area, and concerns over movement in the area.

Mr. Beil responded that the project is currently within budget, tie backs are being installed in the area as quickly as possible to lessen movement in the area, and freight movement is going through the area in the evenings but a survey of the area is done first and trains are moving slowly with passenger service still suspended at this time.

Public comment was received from Peter Warner.



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

Resolutions of Appreciation were presented 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

Resolutions of Appreciation were presented to Rong Ith, Coach Operator, Travis Corey, Maintenance, and Amelia Hsu, Administration.

Consent Calendar (Items 6 through 25)

6. Approval of Minutes

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to approve the minutes of the November 28, 2022, Orange County Transportation Authority and affiliated agencies' special meeting.

Director Diaz abstained from voting on this item.

7. Proposed 2023 Board of Directors Meetings Calendar

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies 2023 Board of Directors meetings calendar.

8. Right-of-Way and Appraisal Services and Activities, Internal Audit Report No. 22-511

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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.



10. Fiscal Year 2021-22 Audited Financial Statements and Independent Auditor's Reports on Internal Control over Financial Reporting

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to:

- 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.

13. Agreement for Palo Alto Firewall Renewal Subscriptions

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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 Technogent, in the amount of \$393,639 for Palo Alto Firewall renewal subscriptions for a three-year term.

14. Active Transportation Program Biannual Update

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.

15. 2023 Technical Steering Committee Membership

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to approve the proposed 2023 Technical Steering Committee membership recommendations.

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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to:

- 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.

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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to:

- 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.

18. Agreement for Installation of Battery-Electric Bus Chargers at Garden Grove Bus Base

Director Foley pulled this item and requested a report on this item.

George Olivo, Program Manager, Facilities Engineering, provided a report on this item.

Director Foley requested staff to look into solar charging for the battery-electric bus chargers.

A motion was made by Director Foley, seconded by Director Do, and declared passed by those present, to 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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.

20. February 2023 Bus Service Change

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.

Public comment was received from Peter Warner.

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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to:

- 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.
- 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to 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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.

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

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.

25. Measure M2 Environmental Mitigation Program Update

A motion was made by Director Bartlett, seconded by Director Foley, and declared passed by those present, to receive and file as an information item.



Regular Calendar

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

Johnny Dunning, Jr., Chief Operating Officer, provided a presentation on this item.

A motion was made by Director Do, seconded by Director Foley, and declared passed by those present, to 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

Public comment was received from Peter Warner.

28. Chief Executive Officer's Report

Darrell E. Johnson, Chief Executive Officer, reported on the following:

- Innovative Transportation Solutions Award received from the Women's Transportation Seminar for the zero-emission bus program
- Stuff-A-Bus
- New Year's Eve Free Bus Service

29. Directors' Reports

Director Foley reported that the annual Board of Supervisors open house event will be held on Wednesday, December 14.



30. Adjournment

The meeting adjourned at 11:00 a.m.

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

9:00 a.m. on Monday, January 9, 2023

OCTA Headquarters

550 South Main Street

Orange, California.

ATTEST:

Gina Ramirez
Clerk of the Board Specialist, Principal