



## **Call to Order**

The April 24, 2023, regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Hernandez at 9:01 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

**Directors Present:** 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  
Farrah N. Khan  
Jessie Lopez  
Vicente Sarmiento  
Ryan Chamberlain, Ex-Officio

**Directors Absent:** Fred Jung  
Donald P. Wagner

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

## **Special Calendar**

### **1. Presentation of Resolutions of Appreciation for Employees of the Month**

Resolutions of Appreciation were presented to Kevin Driftmier, Coach Operator; Maichou Aparicio, Maintenance; and Eric Torres, Administration, as Employees of the Month for April 2023.



## **Consent Calendar (Items 2 through 23)**

### **2. Approval of Minutes**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to approve the minutes of April 10, 2023, Orange County Transportation Authority and affiliated agencies' regular meeting.

Director Foley was not present to vote on this item.

### **3. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2022, Internal Audit Report No. 23-507**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to, direct staff to implement four recommendations provided in Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2022, Internal Audit Report No. 23-507.

Director Foley was not present to vote on this item.

### **4. Orange County Transportation Authority Investment and Debt Programs Report - February 2023**

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

Director Foley was not present to vote on this item.

### **5. Fiscal Year 2022-23 Second Quarter Budget Status Report**

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

Director Foley was not present to vote on this item.

### **6. State Legislative Status Report**

Director Diaz pulled this item to express his concerns with SB-434.

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

- A. Adopt a SUPPORT position on AB 610 (Holden, D-Pasadena), which would, upon appropriation from the Legislature, create the Youth Transit Pass Program to be administered by the California Department of Transportation.



- B. Adopt a SUPPORT position on AB 719 (Boerner Horvath, D-Carlsbad), which would require Medi-Cal Managed Care Plans to reimburse public transit operators for nonmedical transportation and non-emergency medical transportation services.
- C. Adopt a SUPPORT position on AB 817 (Pacheco, D-Downey), which would permit a subsidiary body to use specified teleconferencing provisions indefinitely and without regard to a state of emergency.
- D. Adopt a SUPPORT position on SB 434 (Min, D-Irvine), which would seek funding for the ten largest transit agencies in the State to survey riders on incidents of street harassment.

Director Diaz voted in opposition to Recommendation D.

Director Foley was not present to vote on this item.

**7. Federal Legislative Status Report**

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

Director Foley was not present to vote on this item.

**8. Agreement for On-Call Planning Studies Public Outreach Consultant Services**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve the selection of Arellano Associates, LLC, as the firm to provide public outreach services for planning studies.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3053 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$300,000, for a three-year initial term with a two-year option term, to provide public outreach services for planning studies.

Director Foley was not present to vote on this item.



**9. Low Carbon Transit Operations Program Recommendations for OC Bus Transit Projects**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve Resolution No. 2023-014 to authorize the use of \$9,664,358 in fiscal year 2022-23 Low Carbon Transit Operations Program funds for the Garden Grove hydrogen fueling station.
- B. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program and negotiate and execute any necessary agreements with regional, state, or federal agencies to facilitate the recommendations above.

Director Foley was not present to vote on this item.

**10. OC ACCESS Service Eligibility, Internal Audit Report No. 23-510**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to direct staff to implement one recommendation provided in OC ACCESS Service Eligibility, Internal Audit Report No. 23-510.

Director Foley was not present to vote on this item.

**11. Agreement for Concrete Repairs at Fullerton Park-and-Ride**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3012 between the Orange County Transportation Authority and Falkon Construction, Inc., the lowest responsive, responsible bidder, in the amount of \$72,888, for concrete repairs at the Fullerton Park-and-Ride.

Director Foley was not present to vote on this item.

**12. Amendment to Agreement for the OC ACCESS Eligibility Determination Services**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-9-1621 between the Orange County Transportation Authority and MTM Transit, LLC, to exercise the option term of the agreement, in the amount of \$2,038,620, for OC ACCESS eligibility determination services from July 1, 2023, through June 30, 2025. This will increase the maximum obligation of the agreement to a total contract value of \$5,101,486.



Director Foley was not present to vote on this item.

**13. Approval to Release Request for Proposals for Same-Day Taxi Service**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2396 to select a firm to manage and operate the Same-Day Taxi service.
- B. Approve the release of Request for Proposals 3-2396 for the Same-Day Taxi service for a two-year initial term, effective December 1, 2023, through November 30, 2025, with one, two-year option term.

Director Foley was not present to vote on this item.

**14. Bus Operations Performance Measurements Report for the Second Quarter of Fiscal Year 2022-23**

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

Director Foley was not present to vote on this item.

**15. Amendment to Agreement for Graphic Design Services for the Bus Service Change Materials**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-0-2178 between the Orange County Transportation Authority and Digital Graphics Centre, Inc., to exercise the first option term, in the amount of \$50,000, effective July 1, 2023 through June 30, 2025, to provide graphic design services for bus service change materials. This amendment will increase the maximum obligation to a total contract value of \$260,000.

Director Foley was not present to vote on this item.

**16. Amendment to Agreement for Rideshare Average Vehicle Ridership Calculation Services**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-0-2167 between the Orange County Transportation Authority and Innovative TDM Solutions, to exercise the second option term, in the amount of \$189,380, effective July 1, 2023 through June 30, 2024, to provide average vehicle ridership calculation services. This amendment will increase the maximum obligation to a total contract value of \$757,401.

Director Foley was not present to vote on this item.

**17. Agreement for the 2024 Orange County Transit Vision Master Plan**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve the selection of Cambridge Systematics, Inc., as the firm to provide the Orange County Transit Vision Master Plan.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2958 between the Orange County Transportation Authority and Cambridge Systematics, Inc., in the amount of \$349,995, to provide the Orange County Transit Vision Master Plan for a two-year term effective May 1, 2023, to April 30, 2025.

Director Foley was not present to vote on this item.

**18. Approval to Release Request for Proposals for Construction Management Support Services for the Interstate 605/Katella Avenue Interchange Project**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2270 for selection of a consultant for construction management support services for the Interstate 605/Katella Avenue Interchange Project.
- B. Approve the release of Request for Proposals 3-2270 for construction management support services for the Interstate 605/Katella Avenue Interchange Project.

Director Foley was not present to vote on this item.

**19. Approval to Release Request for Proposals for On-Call Property Maintenance and Related Services**

Director Sarmiento pulled this item to inquire about the five-year term.

James G. Beil, Executive Director, Capital Programs, responded that this term length worked well for OCTA because the contractor became familiar with the project area while maintaining the property.

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

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2283 to select a firm to provide on-call property maintenance and related services.
- B. Approve the release of Request for Proposals 3-2283 for on-call property maintenance and related services for a five-year term.

Director Foley was not present to vote on this item.

**20. Agreement for OC Streetcar Platform Validators**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-2-3002 between the Orange County Transportation Authority and INIT Innovations in Transportation, Inc., in the amount of \$269,469, for an 18-month term, for the purchase and installation of 34 platform validators for the OC Streetcar.

Director Foley was not present to vote on this item.

**21. Award of Agreement for the Purchase of a Hi-Rail Bucket Truck with Articulating Lift for Use on the OC Streetcar System**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2296 between the Orange County Transportation Authority and Custom Truck One Source, in the amount of \$417,342, to provide a hi-rail bucket truck with articulating lift.

Director Foley was not present to vote on this item.

**22. Amendment to Agreement for Public Outreach Consultant Services for Rail Capital Improvement Projects**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-8-2074 between the Orange County Transportation Authority and Katz and Associates, Inc., to exercise the option term of the agreement, in the amount of \$387,000, to continue providing public outreach consultant services for rail capital improvement projects, effective May 1, 2023 through April 30, 2024. This amendment will increase the maximum obligation of the agreement to a total contract value of \$935,981.

Director Foley was not present to vote on this item.

**23. Agreement for Public Outreach for the Interstate 5 El Toro Road Interchange Project**

A motion was made by Director Sarmiento, seconded by Director Lopez, and declared passed by those present to:

- A. Approve the selection of Barrios and Associates, LLC, doing business as Communications LAB, as the firm to provide public outreach services for the Interstate 5/El Toro Road Interchange Project.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2891 between the Orange County Transportation Authority and Barrios and Associates, LLC, doing business as Communications LAB, in the amount of \$349,850, for a three-year initial term and an option term of up to 24 months, to provide public outreach services for the Interstate 5/El Toro Road Interchange Project.

Director Foley was not present to vote on this item.

**Regular Calendar****24. Refunding of the 91 Express Lanes Bonds**

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

- A. Direct staff to pursue the refinancing of the outstanding \$71.42 million of 91 Express Lanes Bonds.
- B. Authorize the payment of all fees and expenses required to facilitate the refunding.



- C. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-7-2137 between the Orange County Transportation Authority and Sperry Capital, Inc., in the amount of \$40,000, to provide ongoing financial advisory services. This will increase the maximum obligation of the agreement to a total contract value of \$1,105,000 and extend the term of the contract through August 31, 2023.
- D. Direct staff to return to the Board of Directors for approval of the financing documents required to execute the closing of the transaction.

Director Foley was not present to vote on this item.

**25. Interstate 405 Improvement Project Funding Update**

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

- A. Authorize the use of an additional \$79,765,373 in Measure M2 funds for the Interstate 405 Improvement Project to increase the overall project budget from \$2,080,234,000 to \$2,159,999,697.
- B. Authorize staff to process all necessary amendments for the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above action.

**26. OC Streetcar Revised Funding Plan and Amendments to Supporting Agreements**

Ross Lew, Project Manager, and Kelly Hart, Deputy Project Manager, provided a presentation on this item.

Public comment was received from Charles Johnson, Business Agent, Teamsters Local 952.

A discussion ensued between Members and staff regarding a grievance filed by Teamsters Local 952 with the California Public Employment Relations Board.

A motion was made by Director Do, seconded by Director Federico, and declared passed by those present to approve Recommendations A through F and H and defer action on Recommendation G at this time:

- A. Approve the revised OC Streetcar Federal Transit Administration Full Funding Grant Agreement budget of \$579.16 million.

- B. Authorize the use of an additional \$149.841 million Transit and Intercity Rail Capital Program funds, partially reducing the need for Measure M2, for the OC Streetcar Federal Transit Administration Full Funding Grant Agreement, increasing the total funding for the Full Funding Grant Agreement from \$509.54 million to \$579.16 million.
- C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, update any air quality conformity requirements, and execute any required agreements, amendments, or grants with the Federal Transit Administration to facilitate the recommendation above.
- D. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 187.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$2.84 million, for schedule impacts associated with time impact evaluation 08.
- E. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 195.1 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$2 million, for schedule impacts associated with time impact evaluation 12 and Native American reburial memorial.
- F. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 13 to Agreement No. C-5-3337 between the Orange County Transportation Authority and HNTB Corporation, in the amount of \$3 million, and extend the agreement term through September 30, 2024, for continued OC Streetcar project design support services during construction. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$32.08 million.
- G. Authorize an increase of up to \$8 million to the award amount for the Chief Executive Officer to negotiate and execute Agreement No. C-8-2039 between the Orange County Transportation Authority and Herzog Transit Services, Inc., in the amount of \$53.06 million, for start-up and pre-revenue period, and initial five-year revenue term through October 31, 2029, for operations and maintenance services for the OC Streetcar project.
- H. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Mobility, Inc., in the amount of \$515,000, to design and install an onboard video surveillance system within the OC Streetcar vehicles. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$52.40 million.



## **Discussion Items**

### **27. Public Comments**

No public comments were received.

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

Darrell E. Johnson, Chief Executive Officer, provided an update on the Coastal Rail Line.

### **29. Directors' Reports**

Director Chamberlain wanted to recognize the 191 fatalities since Caltrans was created and noted how severely distracted driving and driving under the influence can affect highway workers.

Director Khan inquired about a labor dispute surrounding the outsourcing of works by First Transit to meet Disadvantaged Business Enterprise requirements.

Director Dumitru thanked OCTA staff for attending the City of Orange Council meeting and providing a presentation about seniors and transportation.

Director Foley acknowledged Lance Larson, Director of Government Relations, for attending the Reata Glen retirement community update with seniors concerned with the State Route 74 and Ortega highway construction project.

Chairman Hernandez also thanked Mr. Larson for attending the Orange County Business Council meeting and the organization of his staff members when dealing with any consultants or vendors.

### **30. Closed Session**

There were no Closed Sessions scheduled.

### **31. Adjournment**

The meeting was adjourned at 10:26 a.m. in honor of the 191 Caltrans workers that have lost their lives on California highways.

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

**9:00 a.m., on Monday, May 8, 2023**

OCTA Headquarters

Board Room

550 South Main Street

Orange, California