



Call to Order

The November 13, 2023, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chairman Hernandez at 9:00 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
Steve Jones
Fred Jung (via teleconference)
Farrah N. Khan
Jessie Lopez
Vicente Sarmiento
Donald P. Wagner

Directors Absent: Michael Hennessey

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

Special Calendar

1. Closed Session

A Closed Session was held pursuant to Government Code Section 54956.9(d) - Conference with General Counsel - Potential Litigation - One Matter.

Director Kahn was not present for this item.

There was no report out on this item.



2. Public Hearing for the 2023 Orange County Congestion Management Program Report

Angel Garfio, Associate Transportation Analyst, provided a report on this item.

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 16-0, to:

- A. Consider public hearing comments received on the 2023 Orange County Congestion Management Program Report.
- B. Adopt the 2023 Orange County Congestion Management Program Report.
- C. Direct staff to forward the 2023 Orange County Congestion Management Program Report to the Southern California Association of Governments for a finding of regional consistency.

Consent Calendar (Items 3 through 23)

3. Approval of Minutes

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to approve the minutes of the October 23, 2023, Orange County Transportation Authority and affiliated agencies' regular meeting.

4. Fiscal Year 2023 Triennial Review

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file the Fiscal Year 2023 Triennial Review as an information item.

5. Fiscal Year 2023-24 Internal Audit Plan, First Quarter Update

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2023-24 Internal Audit Plan as an information item.

6. Adopt Resolution Authorizing the Executive Director of Capital Programs or Designee to Execute Right-of-Way Certifications

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to adopt Resolution No. 2023-061 authorizing the Executive Director of Capital Programs or designee to execute right-of-way certifications.



7. Fiscal Year 2022-23 Fourth Quarter Budget Status Report

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

8. Orange County Transportation Authority Investment and Debt Programs Report -August 2023

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

9. Orange County Transportation Authority Investment and Debt Programs Report - September 2023

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

10. Property Insurance Policy Renewal

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A55552, in an amount not to exceed \$495,000, to Marsh Risk and Insurance Services, Inc., to purchase property insurance on behalf of the Orange County Transportation Authority for the renewal of the coverage for the period of December 1, 2023, to June 30, 2024.

11. 2023 Board of Directors and Chief Executive Officer Initiatives and Action Plan - Third Quarter Progress Report

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

12. Approval to Release Request for Proposals for the Next Safe Travels Education Program Project

This item was pulled by Director Foley to inquire about the program and the site selection.

Peter Sotherland, Section Manager III, Planning and Analysis, provided a report on this item.

A motion was made by Director Foley, seconded by Director Sarmiento, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2896 for selection of a consultant to deliver the Next Safe Travels Education Program project.



- B. Approve the release of Request for Proposals 3-2896 for consultant services to deliver the Next Safe Travels Education Program project.

13. Bus Operations Performance Measurements Report for the Fourth Quarter of Fiscal Year 2022-23

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

14. Cooperative Agreements with the California Department of Transportation for the Interstate 5 Improvement Project Between State Route 73 and El Toro Road for Right-of-Way Capital and Support Services

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2902, between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$53,693,000, for right-of-way support services, right-of-way acquisition, and utility relocation costs for the Interstate 5 Improvement Project between State Route 73 and Oso Parkway. This increases the right-of-way funding for this project segment by \$16,021,000.
- B. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2950 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$11,305,400, for right-of-way support services, right-of-way acquisition, and utility relocation costs for the Interstate 5 Improvement Project between Oso Parkway and Alicia Parkway. This decreases the right-of-way funding for this project segment by \$1,679,600.
- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2951 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$28,788,000, for right-of-way support services, right-of-way acquisition, and utility relocation costs for the Interstate 5 Improvement Project between Alicia Parkway and El Toro Road. This increases the right-of-way funding for this project segment by \$1,746,000.
- D. Authorize the use of up to \$16,087,400 in additional Measure M2 funds for the right-of-way phase of the Interstate 5 Improvement Project between State Route 73 and El Toro Road.
- 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.



15. Amendment to Agreement for Additional Design Services for State Route 91 Improvement Project Between Acacia Street and La Palma Avenue

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-0-2073 between the Orange County Transportation Authority and T.Y. Lin International, in the amount of \$968,914, for additional design services for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$11,713,168.

16. First Quarter Fiscal Year 2023-24 Capital Action Plan Performance Metrics

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

17. Amendment to Agreement for Additional Design Services for State Route 91 Improvement Project Between La Palma Avenue and State Route 55

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-9-1557 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$1,180,336, for additional design services for the State Route 91 Improvement Project between La Palma Avenue and State Route 55. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$16,488,884.

18. Amendment to Agreement for Manufacturing and Delivery of Vehicles for the OC Streetcar Project

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 15-1, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 7 to Agreement No. C-6-1445 between the Orange County Transportation Authority and Siemens Mobility, Inc., in the amount of \$1,725,750, to purchase additional spare parts, special tools and test equipment. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$54,558,983.

Director Wagner voted in opposition on this item.

19. Agreement with Grand Jurors Association of Orange County for Recruitment Services for Measure M2 Taxpayer Oversight Committee

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-3-2908 between the Orange County Transportation Authority and the Grand Jurors Association of Orange County, in the amount of \$50,000, for managing the annual Taxpayer Oversight Committee recruitment process through June 30, 2028.

20. Agreement for Biological Preserve Monitoring Services

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Glenn Lukos Associates, Inc., to provide biological preserve monitoring services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2700 between the Orange County Transportation Authority and Glenn Lukos Associates, Inc., in the amount of \$500,000, to provide biological preserve monitoring services for a four-year term.

21. Agreements for Comprehensive Transportation Funding Programs Review Services

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Transportation Engineering and Planning, Inc., and W.G. Zimmerman Engineering, Inc., as the firms to provide comprehensive transportation funding programs review services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2707 between the Orange County Transportation Authority and Transportation Engineering and Planning, Inc., in the amount of \$474,000, for a three-year initial term with two, one-year option terms, to provide comprehensive transportation funding programs review services.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2854 between the Orange County Transportation Authority and W.G. Zimmerman Engineering, Inc., in the amount of \$474,000, for a three-year initial term with two, one-year option terms, to provide comprehensive transportation funding programs review services.



22. 2024 Project V Community-Based Transit/Circulators Program Guidelines and Call for Projects

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to:

- A. Approve proposed revisions to the Comprehensive Transportation Funding Programs guidelines for the Project V Community-Based Transit Circulators Program.
- B. Authorize staff to issue the 2024 Measure M2 Community-Based Transit Circulators Program call for projects.

23. Amendment No. 9 to Cooperative Agreement No. C-0-1892 with the City of Irvine for Proposition 116 Replacement Funds

A motion was made by Director Do, seconded by Vice Chairman Nguyen, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer or his designee to negotiate and execute Amendment No. 9 to Cooperative Agreement No. C-0-1892, which allows both the City of Irvine and the Orange County Transportation Authority to use Proposition 116 payback funds to support ongoing transit services in and the transfer of vehicles to the City of Irvine.

Regular Calendar

24. Measure M2 2023 Update: Next 10 Delivery Plan

Francesca Ching, Section Manager, Measure M2 Program Management Office, provided a presentation on this item.

A motion was made by Director Foley, seconded by Director Sarmiento, and following a roll call vote declared passed 16-0, to:

- A. Adopt the 2023 Measure M2 Next 10 Delivery Plan.
- B. Direct staff to continue to work with Metrolink to develop a financially sustainable service plan.
- C. Direct staff to continue to monitor revenue and project cost shifts that could affect the delivery plan and return to the Board of Directors with changes if necessary.



25. Proposed Amendment to the Orange County Local Transportation Authority

Andy Oftelie, Chief Financial Officer, provided a report on this item.

A motion was made by Director Dumitru, seconded by Director Do, and following a roll call vote declared passed 12-3, to:

- A. Direct staff to set a date of January 8, 2024, for a public hearing and Board of Directors action to consider adoption of the amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to address inconsistencies and interpretations of the individual responsibility of the Chair of the Taxpayer Oversight Committee as it relates to the annual certification that revenues have been spent in compliance with the Renewed Measure M Transportation Investment Plan.
- B. Direct staff to initiate the process to amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to clarify the functions and responsibilities of the Taxpayer Oversight Committee and the Chair of the Taxpayer Oversight Committee in providing annual certification that revenues have been spent in compliance with the Renewed Measure M Transportation Investment Plan.

Directors Foley, Khan, and Lopez voted in opposition to this item.

Director Jung was not present to vote on this item.

Public comment was heard from Toni Nelson of CapoCares.

Discussion Items

26. Public Comments

Public comments were heard from Laurie Girand and Toni Nelson of CapoCares.

27. Chief Executive Officer's Report

Mr. Johnson, CEO reported on the following:

- Veterans Appreciation Event
- 405 Improvement Project
- OC Transit Vision
- OC Connect



28. Directors' Reports

Director Foley invited the public to the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency Resiliency Informational hearing on Monday, December 11, 2023, at the City of San Clemente Council Chambers.

29. Adjournment

The meeting adjourned at 10: 37 a.m.

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

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

OCTA Headquarters
Board Room
550 South Main Street
Orange, California

ATTEST:

Gina Ramirez
Assistant Clerk of the Board