



Call to Order

The December 9, 2024, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chair Nguyen at 9:00 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

Chair Nguyen announced today's Board of Directors (Board) meeting protocol: Director Jung will participate via teleconferencing, and all votes will be taken by roll call.

Roll Call

The Clerk of the Board conducted an attendance Roll Call and announced there was a quorum of the Board as follows:

Directors Present: Tam T. Nguyen, Chair
Jon Dumitru
Jamey Federico
Katrina Foley
Patrick Harper
Fred Jung via teleconference
Farrah N. Khan
Stephanie Klopfenstein
Carlos A. Leon
Vicente Sarmiento
John Stephens
Mark Tetteimer
Donald P. Wagner
Lan Zhou, Ex-Officio, Caltrans, District 12

Directors Absent: Doug Chaffee, Vice Chair
Valerie Amezcua
Michael Hennessey

Staff Present: Jennifer L. Bergener, Deputy Chief Executive Officer
Andrea West, Clerk of the Board
Sahara Meisenheimer, Clerk of the Board Specialist
James Donich, General Counsel



1. Closed Session

A Closed Session was held as follows:

Pursuant to Government Code Section 54956.9(d)(1) - Conference with General Counsel - Existing Litigation - City of Fountain Valley v. Orange County Transportation Authority - OCSC Case No. 30-2018-00977509, Orange County Transportation Authority v. Degelas - OCSC Case No. 30-2018-00977086.

Due to a conflict of interest, Directors Harper and Stephens recused themselves from voting on this item.

All members were present except Vice Chair Chaffee and Directors Amezcua and Hennessey, who were absent from the meeting.

James Donich, General Counsel, stated there was no report out on this matter.

Special Calendar

2. Salute to the Outgoing Orange County Transportation Authority Board of Directors

A Resolution of Appreciation was presented to outgoing Board Member Farrah N. Khan.

3. Presentation of Resolutions of Appreciation for Employees of the Month

Resolutions of Appreciation were presented to Felipe Michel, Coach Operator, Juan Sanchez, Maintenance, and Louis Zhao, Administration, as Employees of the Month for December 2024.

4. Presentation of Resolutions of Appreciation for Participants of the Orange County Transportation Authority Employee Rotation Program

Resolutions of Appreciation were presented to Michael Cardozo, Contracts Administration and Materials Management, and David Aguirre, Human Resources, as members of the 2023/2024 Employee Rotation Program.

Consent Calendar (Items 5 through 26)

5. Approval of Minutes

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to approve the minutes of the November 25, 2024 Orange County Transportation Authority and affiliated agencies' regular meeting.



6. Purchasing Cards, Internal Audit Report No. 25-505

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to direct staff to implement one recommendation provided in Purchasing Cards, Internal Audit Report No. 25-505.

7. 405 Express Lanes Update for the Period Ending September 30, 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

8. 91 Express Lanes Update for the Period Ending - September 30, 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

9. First Quarter Fiscal Year 2024-25 Procurement Status Report

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

10. Fiscal Year 2024-25 First Quarter Grant Reimbursement Status Report

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

11. Orange County Transportation Authority Investment and Debt Programs Report - October 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

12. 2025 Active Transportation Program Regional Project Prioritization Point Assignments for Orange County

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:

- A. Approve the Orange County 2025 Active Transportation Program project prioritization point assignments for submittal to the Southern California Association of Governments.
- B. Authorize the Chief Executive Officer, or his designee, to provide concurrence on future project scope changes and substitutions as needed for the 2025 Active Transportation Program projects.

- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate the above actions.

13. State and Federal Grant Acceptance for the Coastal Rail Infrastructure Resiliency Project

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:

- A. Adopt Resolution No. 2024-088, to accept the SB 1 Trade Corridor Enhancement Program grant award from the California Transportation Commission for \$80 million, to commit the required 30 percent match from the Federal Railroad Administration award, and to negotiate and execute any grant-required agreements including the baseline agreement.
- B. Authorize the Chief Executive Officer, or designee, to accept the 2024 Cycle 7 Transit and Intercity Rail Capital Program grant award from the California State Transportation Agency for \$125 million for the Coastal Rail Infrastructure Resiliency Improvement Project, and to negotiate and execute grant-related agreements and documents with the California State Transportation Agency and California Department of Transportation.
- C. Authorize the Chief Executive Officer, or designee, to accept the Consolidated Rail Infrastructure and Safety Improvements Program grant award from the Federal Railroad Administration for \$100 million for the Coastal Rail Infrastructure Resiliency Improvement Project, and to negotiate and execute grant-related agreements and documents with the Federal Railroad Administration.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate programming of the Coastal Rail Infrastructure Resiliency Improvement Project.

14. Proposed Management Plan for the Administrative Headquarters Building

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:

- A. Authorize the Chief Executive Officer, or his designee, to negotiate and execute lease agreements with tenants for lease maturities of no greater than ten years.
- B. Authorize the Chief Executive Officer, or his designee, to negotiate and execute service contracts necessary for the operations and maintenance of the property.



15. Approval to Release Request for Proposals for Construction Management Support Services for the Interstate 5 Improvement Project Between Yale Avenue and State Route 55

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 4-2614 for the selection of a consultant to provide construction management support services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- B. Approve the release of Request for Proposals 4-2614 to provide construction management support services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- C. Authorize the use of up to \$22.7 million in Measure M2 freeway funds for construction management support services for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.

16. Cooperative Agreement with the California Department of Transportation for the Interstate 5 Improvement Project Between Yale Avenue and State Route 55

This item was pulled to hear public comments from David Martinez, Youssef Kaddeche, and Leeza Bondarchuk.

A motion was made by Director Wagner, seconded by Director Dumitru, and following a roll call vote, declared passed 12-0, to:

- A. Authorize the use of \$210,033,000 in Measure M2 funds for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- B. Authorize the inclusion of \$27,861,000 in State Highway Operations and Protection Program funds for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- C. Authorize the use of \$9,780,000 in Local Partnership Program - Formula funds for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.
- D. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-4-2645 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$247,674,000, comprised of a construction capital share of \$202,243,000, and a construction management services share of \$45,431,000 for the Interstate 5 Improvement Project between Yale Avenue and State Route 55.

- 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 action.

Director Sarmiento abstained from the vote.

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

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 6 to Agreement No. C-9-1160 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., in the amount of \$773,126, for additional design services for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$8,305,401.

18. 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 Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-9-1557 between the Orange County Transportation Authority and WKE, Inc., in the amount of \$860,051, 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 \$17,348,935.

19. Amendment to Cooperative Agreement with the City of Anaheim for the State Route 91 Improvement Project Between State Route 57 and State Route 55

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-3-2751 between the Orange County Transportation Authority and the City of Anaheim, in the amount of \$1,201,000, for additional project support services. This will increase the maximum obligation of the cooperative agreement to a total value of \$1,446,000.

20. Amendment to Cooperative Agreement with the California Department of Transportation for the State Route 91 Improvement Project Between State Route 55 and Lakeview Avenue

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:



- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Cooperative Agreement No. C-3-2655 between the Orange County Transportation Authority and the California Department of Transportation, in an amount of \$2,393,000, for additional construction capital cost for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue. This will increase the maximum cumulative obligation of the cooperative agreement to a total contract value of \$101,358,000.
- B. Authorize the use of \$2,393,000 in State Route 91 Express Lanes excess revenue for construction capital and construction support for the State Route 91 Improvement Project between State Route 55 and Lakeview Avenue.
- 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.

21. Environmental Mitigation Program Endowment Fund Investment Report for September 30, 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

22. Measure M2 Environmental Mitigation Program Update

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

23. 2025 Technical Steering Committee Membership

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote declared passed 13-0, to approve the proposed 2025 Technical Steering Committee membership recommendations.

24. Comprehensive Transportation Funding Programs Semi-Annual Review - September 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to:

- A. Approve requested adjustments to the proposed Comprehensive Transportation Funding Programs projects.
- B. Authorize the Chief Executive Officer to negotiate and execute cooperative agreement amendments for applicable cooperative agreements.



25. Measure M2 Quarterly Progress Report for the Period July 2024 through September 2024

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to receive and file as an information item.

26. Agreement for Traffic Signal Improvements for Regional Traffic Signal Synchronization Program Projects

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-4-2435 between the Orange County Transportation Authority and Elecnor Belco Electric, Inc., the lowest responsive, responsible bidder, in the amount of \$4,517,664 for construction of traffic signal improvements for the Regional Traffic Signal Synchronization Program projects.

Regular Calendar

27. Fiscal Year 2024-25 Proposed Comprehensive Business Plan

Victor Velasquez, Department of Financial Planning & Analysis, provided a PowerPoint presentation.

A motion was made by Director Foley, seconded by Director Klopfenstein, and following a roll call vote, declared passed 13-0, to approve the Fiscal Year 2024-25 Proposed Comprehensive Business Plan.

28. 2024 OC Transit Vision Progress Update

Charles Main, Principal Transportation Analyst, and Marissa Espino, Section Manager of Public Outreach, provided a PowerPoint presentation.

Public comment was heard from David Martinez.

A motion was made by Director Sarmiento, seconded by Director Foley, and following a roll call vote, declared passed 13-0, to direct staff to incorporate draft recommendations into the final 2024 OC Transit Vision Report which will inform the upcoming 2026 Long-Range Transportation Plan.

29. Principles for 405 Express Lanes Excess Toll Revenue Policy and Expenditure Plan

Jennifer L. Bergener, Deputy Chief Executive Officer (DCEO), provided opening comments and introduced Adriann Cardoso, Department Manager of Planning, who provided a PowerPoint presentation.



A motion was made by Director Foley, seconded by Director Khan, and following a roll call vote declared passed 9-1, to:

- A. Approve the principles for developing the 405 Express Lanes Excess Toll Revenue Policy and the future 405 Express Lanes Excess Toll Revenue Expenditure Plan.
- B. Direct staff to return with a draft 405 Express Lanes Excess Toll Revenue Policy in 2025.

Directors Klopfenstein and Sarmiento were not present to vote.

Director Wagner voted in opposition.

Discussion Items

30. Public Comments

There were no public comments.

31. Chief Executive Officer's Report

Ms. Bergener, DCEO, reported on the following:

- Women's Transportation Seminar Gala at the Nixon Library in Yorba Linda last Thursday.
- This is the final Board Meeting of the year, and she thanked the Board for their support.

32. Directors' Reports

Director Foley thanked OCTA staff for their hard work this year and to Director Khan for her service to the Board.

Director Stephens thanked everyone for welcoming him to the Board and reminded everyone of being on video for the first time. He asked staff to come back in six months and give a report to see if there are more people viewing the meetings.

Chair Nguyen stated it was an honor to serve as Chair and reminded everyone that the next regularly scheduled Board Meeting will start at 9:30 a.m.



33. Adjournment

The meeting was adjourned in honor of Director Khan at 10:45 a.m.

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

9:30 a.m., on Monday, January 13, 2025

OCTA Headquarters
Board Room
550 South Main Street
Orange, California

ATTEST:

Sahara Meisenheimer
Clerk of the Board Specialist