

I. CALL TO ORDER

II. ITEMS FROM THE CHAIRMAN

III. CITIZENS TO BE HEARD

Acting Chairman Semtner opened the floor to Ryan Myers with Transit Advertising, Inc. Mr. Myers described the relationship between EMBARK and Transit Advertising, Inc. over the past seven years. Mr. Myers also stated that they have served EMBARK with dignity and Transit Advertising, Inc. appreciates the relationship. Mr. Meyers stated that over the years Transit Advertising, Inc. has brought in over \$2.6 million in revenue generated combined with the quality of wrapped buses having never been better and inventory to advertise on is at an all time low with an increase of 41% in sales over this time last year he is at a loss as to why Transit Advertising, Inc. was not awarded the contract for Advertising and Sponsorship and Naming Rights.

Mr. Myers respectfully requested that the discussion regarding Awarding the Contract for Transit Advertising to Houck be postponed until the formal protest process has been completed. He further asked the Competitive Bid Process concerning this RFP be thoroughly reviewed; more specifically a requirement of \$10,000 annual contribution to the Employee Recognition Program and a \$25,000 media trade. Mr. Myers also requested the review to be performed by the Trustees as an impartial party to the RFP process.

Finally, Mr. Myers asked that a longer transition period of at least 45 days be implemented going forward.

IV. APPROVAL OF MINUTES

- A. Approval of the Minutes of the COTPA Board Meeting on October 6, 2017.

Moved by Freeman, Seconded by Hill. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

V. CONSENT DOCKET

Moved by Johnson, Seconded by Cooper. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

- A. Approval of Agreement with the Arts Council of Oklahoma City to Allow Opening Night Activities in the Sheridan/Walker Parking Garage.
- B. Approval of Amended and Restated Sublease Agreement with Oklahoma City Public Property Trust for Use of Property Known as the Reno Lot for Parking Operations, Estimated Cost \$32,000, Estimated Revenue \$75,000, Retroactive March 31, 2014 through March 30, 2022.
- C. Approval to Renew the Contract with Bicycle Transit Systems, Inc. for Management Services of Spokies Bike Share Program, Estimated Cost \$172,905, January 1, 2018 through December 31, 2018.

VI. ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Award Contracts to Houck Transit Advertising for Advertising, Sponsorship and Naming Rights Services, Estimated Revenue \$240,000 Annually for Transit Advertising and 75% of Net Annual Sponsorship and Naming Rights Revenue, November 3, 2017 through November 2, 2022.

Moved by Freeman, Seconded by Greenwell. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

Administrator Ferbrache provided background on the Request for Proposal for Naming Rights and Sponsorships issued on May 31, 2017. He reminded the Trustees that at the time the RFP was issued EMBARK was looking at its family of services and how to best leverage advertising, sponsorships and naming rights to generate revenues for the system. The procurement was structured into four projects: Bus Advertising, Bike Share Advertising, Parking Advertising and Naming Rights and Sponsorships.

Administrator Ferbrache disclosed there were six proposers to the RFP. He also stated that the Selection Committee determined there were responsive bids on the Bus Advertising and Naming Rights and Sponsorships only, and the committee narrowed interviews down to Transit Advertising, Inc. and Houck Advertising. Both proposers had the opportunity to present and answer the Selection Committee's questions. Through the presentation and interview process the Selection Committee chose to award the contract to Houck Advertising.

Administrator Ferbrache further explained there was a base guaranteed amount of revenue; Houck Advertising proposed a minimum of \$240,000 for the first year for Bus Transit Advertising with a built in escalation as well as a 75% revenue share on the Naming Rights and Sponsorships. Acting Chairman Semtner confirmed that the Procurement Procedure followed to select Houck Advertising is the same Procurement Procedure followed on request for proposals, which is modeled after what the City uses to select their contracts. Administrator Ferbrache answered in the affirmative adding that there is a standard template for all Request for Proposals, which includes Scope of Work, and EMBARK utilizes the City's electronic bid system, BidSync, as well as an established Selection Committee that applies a scoring system for the proposers during the selection process. Trustee Freeman inquired if the Municipal Counselor's office has reviewed the terms of the contract, what is included in the contract and has approved it. Assistant Municipal Counselor Harrod confirmed her review of the contract and terms and her approval of the contract. Trustee Freeman further inquired if questions raised today came up during the interview process or prior to the selection; that is, the terms of the contract and questions as to their inclusion in the process. Assistant Municipal Counselor Harrod replied no and everything was fair. She further explained that all proposers initiated the RFP process with their best proposal that the proposers believe will provide the best benefit.

Trustee Freeman queried if all the terms included in these proposals were part of what was requested in the RFP process. Assistant Municipal Counselor Harrod replied in the affirmative. Administrator Ferbrache added the contract with Houck Advertising up for approval does not include any funding for an Employee Recognition Program. He explained that neither Transit Advertising, Inc. nor Houck Advertising final proposals included any funding for an Employee Recognition Program. Trustee Johnson, who served as a Trustee Representative on the Selection Committee, added the Houck proposal was more thorough and encouraging due to the revenues that would be generated for the Trust in the long term and this was the basis for the selection.

Trustee Bickham asked how long Transit Advertising, Inc. had been on a month to month contract and if it is legal for the Trust to enter into another contract; no formal notice requirement. Administrator Ferbrache confirmed that Transit Advertising, Inc. has been month to month for four months and the extension of the contract with Transit Advertising, Inc. read that the contract would continue until a new contract was signed. Trustee Cooper questions how common the media trade terms are among transit systems.

Administrator Ferbrache explained that EMBARK took a very detailed look into this RFP and researched what agencies in larger markets were asking and requiring in their RFP's and what was successful; Media Trade was a part of that research that proved to be successful. Administrator Ferbrache asked Michael Scroggins, Public Information and Marketing Manager, to provide the numbers on the prevalence and cities involved in that research. Mr. Scroggins explained that EMBARK solicited examples of sample contracts and RFP's from systems all over the country. He stated EMBARK additionally spoke over the phone in regards to terms and the type of value adding programs that have been successfully implemented. Mr. Scroggins also elucidated that the objective of this was to supplement the ability to communicate the benefits of transit.

Trustee James Cooper then asked if this idea that the Trust is requesting to generate revenue on an annual basis was also based on other systems or agencies in other cities across the country. Mr. Scroggins explained that setting an annual minimum guarantee allows to plan accordingly based on a budget and in the past the Trust had only received a percentage share, so the budget was unknown year to year.

In regards to Mr. Myers statements, Trustee Cooper asked for clarification on his understanding of Mr. Myers' statements that the minimum annual guarantee may have prevented other advertisers from submitting proposals due to the fear they would not be able to generate that revenue. Mr. Myers clarified that the minimum annual guarantee was not a question, but the question was in fact the requirement for media trade; that he states would presumably be the awarding of the contract and believes this practice to be uncommon. Assistant Municipal Counselor Harrod addressed Chairman Semtner stating that the Trust's RFP process is sent through the City website and is very precise in regards to what proposers can expect during the RFP process as well as what paper work and presentation requirements entail. Mrs. Harrod also reminded the Trustees of the protest procedures and explained that this discussion is not part of those procedures. Trustee Hill inquired how the protest procedures effect any actions taken during the Board meeting. Administrator Ferbrache explained the protest procedures and that any actions taken today will not hindered the protest procedures process. Trustee Freeman clarified that awarding the contract to Houck does not impede the protest process. Mrs. Harrod responded that the protest procedures have layers; the first of which is to appeal the RFP and the contract being awarded. The next phase is to appeal, after the contract is awarded. Trustee Freeman asked if EMBARK would delay starting work with the other contractor until the protest process is complete. Administrator Ferbrache indicated if an appeal was made staff would hold off on giving Houck a notice to proceed until the appeal was concluded.

- B. Adopt Resolution Approving Funding for EMBARK Employee Recognition Program, Estimated Cost Not to Exceed \$10,000 Annually.

Moved by Bickham, Seconded by Hill. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

Chairman Semtner asked if EMBARK would delay the program initiation until the Trust received a year's worth of revenue. Administrator Ferbrache stated that EMBARK would like to seed the program on a prorated basis, which allows the new advertising contract to be in place for a year; also allowing the determination to be made if we meet or exceed the minimum base and then proceed with the allocation forward. Trustee Freeman requested assurance that this item has no relation to the contracts and this is a decision the Trust is making independently. Administrator Ferbrache replied that is correct. Trustee Johnson requested Administrator Ferbrache to explain what the employee recognition program consisted of in the past. Administrator Ferbrache explained that EMBARK has not possessed a formal recognition program. He further stressed the importance of the development of an Employee Recognition Program and a regular recognition program in the works would consist of recognition on a quarterly basis and not be limited to one division. Administrator Ferbrache also spoke about the possibility of Ad Hoc campaigns throughout the year and approval of this item would provide funding for incentive based campaigns. Trustee Cooper asked Administrator Ferbrache to speak on the importance of recognizing transit system employees.

Administrator Ferbrache expounded that EMBARK employees are EMBARK and attracting and retaining employees is paramount to sustain the organization and EMBARK recognizes there is competition for valuable employees within the community. Administrator Ferbrache also stated that employee recognition is also key in attracting and retaining Bus Operators due to the range of shifts that require coverage on EMBARK's 24/7 Operations.

- C. Resolution Authorizing the Administrator to Approve and Release the Request for Proposal (RFP) for a Transit Fare Mobile Ticketing System and Fare Inspection Application (COPTA RFP2018020), Estimated Cost \$50,000 Plus 10% of Fare Revenue Collected Through Mobile Ticketing.

Moved by Johnson, Seconded by Cooper. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

- D. Approval of Change Order No. 2 to the Contract with Pillar Contracting, Inc., Cost of \$5,323.48 and Final Acceptance for Project No. MC-0561, Transit Center Exterior Remodel, 580 North Hudson Avenue, and Placing Maintenance Bond into Effect.

Moved by Freeman, Seconded by Cooper. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

- E. Public Hearing Regarding a Change to the Established Boundary of ADA Paratransit Zone 2, the Addition of an ADA Paratransit Zone 3 and a Zone 3 Fare.

Moved by Johnson, Seconded by Greenwell. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

Public Information and Marketing Manager, Michael Scroggins, presented information and held public hearing regarding a change to the established boundary of ADA Paratransit Zone 2, the addition of an ADA Paratransit Zone 3 and a Zone 3 Fare.

Chairman Semtner asked if the current \$7.00 Zone 2 fare would stay in effect for the reestablished Zone 2. Mr. Scroggins replied that is correct. Trustee Greenwell asked for clarification on EMBARK's ADA coverage responsibilities that extend into other municipalities. Mr. Scroggins replied that the Federal Transit Administration requires ADA coverage within 3/4 of a mile of all bus stops and EMBARK is not required by the FTA to provide ADA coverage any further than the 3/4 of a mile from all bus stops.

- F. Enter Into Executive Session on Advice of the Authority's Legal Counsel to Receive Confidential Communications from Its Attorneys Regarding Claim No. BA-17-0068, as Authorized by 25 O.S. (2016 Supp.) § 307(B) (4), Because Disclosure Would Seriously Impair the Ability of the Public Body to Deal with the Pending Claim in the Public Interest.

Item moved to the heel of the docket. Moved by Johnson, Seconded by Freeman. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Semtner.

Item moved to the heel of the docket.

VII. RATIFICATION OF CLAIMS AND PAYROLL

- A. Ratification of Payroll and Vendor Claims for the Period October 3 through October 31, 2017

Moved by Bickham, Seconded by Greenwell. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

VIII. RECEIVE FINANCIAL REPORTS

- A. Receive the COTPA Schedules of Revenues and Expenditures - Budget to Actual for the Three Months Ended September 30, 2017.

Moved by Greenwell, Seconded by Freeman. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

**IX. RECEIVE PROGRAM REPORTS
(Notes: ** Verbal report to be presented)**

Moved by Bickham, Seconded by Cooper. AYES: Bickham, Cooper, Freeman, Greenwell, Hill, Johnson, Kauffman, Semtner.

- A. Transit System Report **

Trustee Laura Johnson clarified for understanding the 11,507 for September 2017 average daily ridership included nighttime ridership. Mr. Mulcahy answered that it did. Trustee Johnson inquired about the Downtown Discovery's steep decline in ridership and asked if the new fare is in effect and if the day time Downtown Discovery was included in Mr. Mulcahy's first average daily ridership slide. Administrator Ferbrache answered yes the new Downtown Discovery fare took effect in September and would be reflected in September's ridership. Mr. Mulcahy answered that the day time piece of the Downtown Discovery is included, but not the nighttime portion of the route.

Trustee David Greenwell asked when the electrical bus would be received. Administrator Ferbrache explained it will be closer to a year or a year and a half due to the back log. Trustee Greenwell then asked how long the bus can run on a single charge. Administrator Ferbrache replied that further testing on EMBARK's system and streets is required. Trustee Greenwell further inquired about the benefits of the electric engine. Administrator Ferbrache answered there could possibly be benefits such as getting up to speed more efficiently. Mr. Ferbrache added a hats off to EMBARK's maintenance team due to their ambitious discussions in anticipation of the electric bus to try new things such as different choice in flooring to different seat manufacturer. Trustee Greenwell added another benefit of the bus will be less noise. Administrator Ferbrache added this is also a training opportunity staff and mechanics on new skills. Trustee Greenwell asked if the Bus Rapid Transit bus route would be a good place to use the electric bus and if EMBARK anticipates an extended time frame for the BRT service. Administrator Ferbrache answered that currently the plan for the BRT route(s) is to have CNG Articulated buses, but this could change, and the service span for BRT is currently planned to mirror the current service span and run until midnight.

B. Oklahoma City Streetcar Report **

Trustee Greenwell inquired if the Atlanta's Streetcar is the same as the subway and if it is limited to the downtown area. Oklahoma City Streetcar Manager, Jesse Rush, replied no and that their system is limited to the downtown area and is smaller than the planned Oklahoma City Streetcar route.

Trustee Greenwell inquired about the route of the B-Line and how far west it runs. Mr. Rush explained that the B-Line runs down Sheridan to Joe Carter, south on Joe Carter to Reno, loops down around the park and heads back north on Hudson and it runs as far west as Hudson. Trustee Cooper inquired as to what problems or issues does Mr. Rush anticipate when the Oklahoma City Streetcar comes on line. Mr. Rush replied that currently in the Streetcar project is Train to Wayside Communication (TWC), which allows communication to signal boxes; mainly located at blind, sweeping left-hand turns. Mr. Rush continued that most of the Oklahoma City Streetcar stops are near-side stops, which are stops where the streetcar allows boardings and alightings at the stop light. Mr. Rush further explained that far-side stops are those where the streetcar will travel through the light to reach the stop for boardings and alighting; TWC will allow the green light to be held so automobiles will not get stuck in the intersection, therefore hindering the flow of traffic.

Mr. Rush addressed signal prioritization; will be thoroughly tested to determine the areas that require it to not hinder the flow of traffic for the streetcar or the community. Trustee Greenwell asked when the system will be operational and if early operation is an option. Mr. Rush answered that final completion will be November 2018 and Administrator Ferbrache stated that a readiness review will be performed for the entire system and public is not allowed on the system per the FTA.

- C. Long-Range Planning Report
- D. Parking System Report
- E. Marketing, Customer Relations and Technology Report
- F. Oklahoma River Cruises and Spokies Report
- G. Special Services Report **

Trustee Greenwell asked how the contact cards for the homeless and low income patrons work. Special Services Manager, Marilyn Dillon, explained that the program works by way of a partnership with the City's Planning Department funded by a Community Development Block Grant, so in January of every year EMBARK Special Services pass out Special Service applications to social service agencies in the Oklahoma City metro area, applicants are then screened through the application process to prevent duplication of services, the amount of passes is determined based on funding and then passes are allocated to social service agencies who then come pick up their allotment of passes once a month. Trustee Cooper offered an encouraging comment in which he states all the programs connect and are critical for seniors to age in place.

X. ITEMS FROM TRUSTEES

Executive Session started at 10:28 AM and ended at 10:38 AM.

XI. ADJOURNMENT

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jason Ferbrache". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jason Ferbrache
Administrator