



Minutes

Meeting:	TriMet Board of Directors Regular Board Meeting	Date:	September 27, 2023
		Time:	9:00 a.m.
Board Members Present:	Keith Edwards Tyler Frisbee Ozzie Gonzalez Robert Kellogg Thomas Kim LaVerne Lewis Kathy Wai	Board Members Absent:	

TriMet Board Business meetings and public forum are available via web video stream. You can access the archived meetings and materials at trimet.org/meetings/board.

Director Gonzalez called the business meeting to order at 9:56 am.

1. Committee Reports

Committee on Accessible Transportation (CAT) – Director Edwards provided a summary of the September 20, 2023 CAT meeting. At the meeting, the committee announced that they will host an open house at the October 15 meeting where they will review the Type 6 trains. The September meeting agenda also included discussing mobility devices and pass ups on fixed routes, understanding the definition of ‘problematic riders’, reviewing the University of Washington study about trace amounts of drugs on trains, discussing stop accessibility planning, SOPs for ramp deployments on trains, and addressing mask availability with the resurgence of COVID numbers. The committee was provided a presentation by Shelley Devine and John DiLorenzo on the Accessible Sidewalks City of Portland ADA Lawsuit and next steps. The next CAT meeting takes place October 18.

Metro Policy Advisory Committee (MPAC) – Director Kim shared highlights from the July 26, 2023 MPAC meeting. Metro staff provided a retrospective legislative update on the housing and land use policy in the 2023 legislative session. Metro also presented on the long-term role of housing production in housing affordability, gentrification and displacement trends. An update was also given on the current status of public engagement on this topic, as well as next steps in the process over the next year and a half. The next MPAC meeting takes place September 27.

Transit Equity Advisory Committee (TEAC) – Director Wai provided an overview from the August 8, 2023 TEAC meeting. The agenda consisted of a review of the University of Washington study addressing drug use on the system, an update on improved elevator access at the Hollywood Transit Center, a look at a new design for two of the Lift buses, a recap of the youth summer pass program, as well as updates on grants available for non-profits serving ADA, seniors and people with disabilities. The next MPAC meeting takes place October 10.

General Manager Fiscal Year 2023 Performance Review – President Gonzalez provided a summary of the GM FY23 Performance Review, which can be found in its entirety on www.trimet.org. President Gonzalez recognized General Manager Sam Desue, Jr. for meeting all of the objectives and deliverables contained in the Board’s FY23 Work Plan and asked for a motion to adopt the General Manager’s FY23 Performance Report.

Action: Director Edwards moved for approval of the General Manager’s Fiscal Year 2023 Performance Report. Director Wai seconded the motion. The motion passed with five votes in favor and two abstentions. Directors Frisbee and Kellogg abstained given they were not members of the board during Fiscal Year 2023.

2. General Manager Report

Safety and Security

The General Manager provided an update on safety and security on the system, beginning with acknowledging the incident that took place on a MAX train on September 2. Mr. Desue expressed that such a hateful, biased attack can only be addressed as a community and we all must unite against racism. He expressed gratitude to those who jumped in to help and the Portland Police for making a quick arrest. Mr. Desue urged judicial partners to hold the individual accountable so he cannot hurt anyone else in the community, and noted that he has issued a lifetime ban from riding TriMet against the named individual. This attack comes at a time in which TriMet has aggressively increased security as we work to provide transit service that is safe. Mr. Desue then introduced Chief Operating Officer Bonnie Todd and Chief Safety Officer Andrew Wilson to share what has been achieved. He later added that we are working with state and local leaders as well as our law enforcement partners to continue to address drugs and addiction on a community level, while working to keep drug use off our system.

August 2023 Ridership

Mr. Desue shared that TriMet provided 5.5 million rides in August; which is up 17.4% from August 2022. This puts our weekly system-wide ridership at 68% of where we were in August 2019 before the start of the COVID-19 pandemic. Mr. Desue added that we are seeing more riders return as employers and schools bring more people back to in-person work and learning.

Celebrating Anniversaries

Mr. Desue recognized some recent TriMet anniversaries, starting with the FX2-Division bus line, which celebrated its one-year anniversary this month with two big success stories. First, FX2-Division saw a 40% increase in ridership over the previous Line 2. That is 25% higher than overall system recovery, and one of the reasons for that is FX’s speed. Mr. Desue explained that it is proven to be faster, thanks to cutting-edge transit signal priority technology as well as the use of bus lanes in high traffic areas. He shared that we showed riders some appreciation last week, greeting them with coffee and donuts at some stops along the line. Riders told us they love FX and confirmed their experience- that it is a faster way to go! Mr. Desue recognized that we also marked a big MAX anniversary with the westside MAX Blue Line, which extended MAX service from Downtown to Hillsboro, opening 25 years ago this month. That means there is a full generation of Washington County residents who only know this region as one that is connected by our light rail system. There is no question that the MAX Blue Line extension helped relieve congestion, developed communities, and improved the quality of life for people across our region, especially on the westside. Mr. Desue also announced the 20-year anniversary this month of the MAX Red Line extension to Beaverton. The line originally only had service between Portland International Airport and Downtown. By extending the Red Line to Beaverton back in 2003, we improved connections for the people who live there. That work continues today with “A Better Red”, as we extend the Red Line once again, this time to Hillsboro. Mr. Desue

said that work is ongoing, and will also improve the reliability of the entire MAX system. Construction has reached 70% and the project is set to be completed next year.

Type 6 Event

As a part of the “Better Red” project, TriMet is adding new MAX trains to our fleet. The newest trains, what we refer to as Type 6 MAX trains, have already started to arrive and crews are preparing them for service. Before that happens, people will have the opportunity to get an up-close look at one of the new trains. On Sunday, October 15 from Noon-2:00pm, we invite the public to come see the train, walk through it and get a feel for the new features. We will be promoting the free event, which will be held at the SE Park Avenue MAX Station at the end of the Orange Line near Milwaukie.

Employee Recognition

Mr. Desue recognized a member of the Maintenance Team. He expressed that members of the Maintenance Team are often unsung heroes, but their work is critical to the safety of our transit system and the success of our daily operations. Mr. Desue introduced the Director of Bus Maintenance, Jesse Taylor, who then introduced Cyle Doud, a mechanic who consistently goes above and beyond and whose work has become a model for others to follow. The Board and General Manager expressed their appreciation for Mr. Doud’s work and dedication to TriMet and our riders.

3. Consent Agenda

- Approval of Board Meeting Minutes for July 26, 2023
- Resolution to Read Ordinances by Title Only
- Resolution 23-09-39 – Confirming Board Member Committee Appointments
- Resolution 23-09-40 – Updating Trustees of TriMet’s Retirement Trust for Management and Staff Employees
- Resolution 23-09-41 – Amending the Funding Policy for the Pension Plan for Bargaining Unit Employees of TriMet
- Resolution 23-09-42 – Authorizing a Contract Modification with Raimore Construction, LLC (Raimore) for Construction Manager/General Contractor (CM/GC) Services for the Hollywood Transit Center Infrastructure Project

Action: Director Edwards and Director Kellogg asked to remove Resolution 23-09-42 from the Consent Agenda. With the removal of Resolution 23-09-42 from the Consent Agenda, Director Edwards moved for approval of the Consent Agenda. Director Kellogg seconded the motion. The motion passed with unanimous approval.

4. Resolutions

Resolution 23-09-43 – Adopting the Mercer General Manager Market Study Regarding Salary

President Gonzalez discussed Resolution 23-09-43. As we just agreed a few minutes ago, we have a high-performing General Manager at the helm of this Agency. And it will come as no surprise to anyone who has tried to hire or retain seasoned and skilled high-performers in the last few years that there’s been a seismic shift in the labor market -- and the competition for top talent has become very stiff indeed. Recognizing this, our former Board President authorized TriMet to hire the independent consulting firm Mercer to conduct a nationwide Market Study of General Manager salaries in order to ensure that TriMet remains competitive in its compensation.

Here with us today to report on Mercer’s findings is Tracy Bean, a partner at Mercer. Ms. Bean shared a presentation detailing the report. A copy of the presentation can be found in the meeting archives at www.trimet.org.

Action: Director Kim moved for approval of Resolution 23-09-43. Director Lewis seconded the motion. The motion passed with unanimous approval.

Resolution 23-09-44 – Authorizing the Board President to Negotiate a New Employment Contract with the General Manager

President Gonzalez discussed Resolution 23-09-44. We are now well into the third year of Mr. Desue’s three-year employment contract, and as we have discussed and confirmed this morning, he has been performing very well. We also just heard there is a constricted and highly competitive market for top transit industry executives. This resolution would authorize me to negotiate with General Manager Desue for a new employment contract. Once he and I reach agreement on the terms of that contract, I will come back to the Board for authority to execute the contract on those terms.

Action: Director Edwards moved for approval of Resolution 23-09-44. Director Kim seconded the motion. President Gonzalez abstained given the resolution is in regards to the President’s authority. The motion passed with six votes in favor and one abstention.

Resolution 23-09-45 – Authorizing an Amendment to the Lease with Madison-OFC One Main Place OR, LLC for Administrative Office Space at 101 SW Main Street

Mr. Desue discussed Resolution 23-09-45. TriMet has never had our own, dedicated space for Board meetings. Finding appropriate accommodations has only become more difficult following the COVID-19 pandemic. As you know, TriMet Administrative Headquarters moved to One Main Place Downtown Portland in June. During discussions with building management, we learned of additional space available that could accommodate a boardroom as well as provide additional workspace for staff. Access to this space will give us a dedicated, secure environment for Board and committee meetings as well as help relieve crowding at our Operations Headquarters in Southeast Portland. The resolution requests authorization of a contract modification to accommodate the terms of the lease, which includes:

- 11,380 square feet on the second floor of One Main Place.
- Free rent through July 2024, then a rate of \$31 per square foot.
- An additional rent obligation of \$4.7 million over the lease period.

If approved, the modification will bring TriMet’s total lease obligation at One Main Place to \$37.7 million over an 11-year term. The amount is included in TriMet’s budget for leased facilities.

Action: Director Kim moved for approval of Resolution 23-09-45. Director Edwards seconded the motion. The motion passed with unanimous approval.

Resolution 23-09-46 – Authorizing a Contract with INIT Innovations in Transportation, Inc. (INIT) for TriMet’s Ticket Vending Machine (TVM) Replacement and Maintenance Services

Mr. Desue discussed Resolution 23-09-46. It is time for an overhaul of TriMet’s ticket vending machines. The ticket machines that are currently in use were rolled out in the 1990s, and despite updates that were made about 10 years ago, the machines are out of date and have reached the end of their functional life. We are also running out of spare parts as the equipment is obsolete. This presents an opportunity for TriMet. We can advance the rollout of Hop Fastpass and make it easier and more accessible than ever. Mr. Desue then

introduced Director of Fare Revenue and Administration, Sophia Franklyn here to provide additional details. A copy of the presentation can be found in the meeting archives at www.trimet.org. For this contract, TriMet issued a Request for Proposals, and INIT emerged as the highest qualified proposer. TriMet initially considered a \$14.4 million TVM contract that included a 10-year operating agreement. However, following further review, the proposed contract option years were extended to allow for a 20-year term. As a result, the overall contract price is \$18.5 million. Reasons for pursuing a longer-term agreement include long-term support for the machines themselves, as well as operating system and software upgrades. TriMet is proposing an initial 5-year term, with three possible 5-year extensions. The contract amount is accounted for in the FY24 through FY27 capital budget for Finance and Administrative Services. Taking a look at diversity, INIT's workforce includes 105 employees. Nearly a quarter identify as minority and more than 25% are female. In addition, INIT plans to use a certified DBE firm for installation, which makes up about 31% of the work under this Contract.

Action: Director Kim moved for approval of Resolution 23-09-46. Director Kellogg seconded the motion. The motion passed with unanimous approval.

Resolution 23-09-47 – Authorizing a Contract with LECIP Inc. (LECIP) for TriMet's Fare Box Replacement Project

Mr. Desue discussed Resolution 23-09-47. TriMet believes it's important to maintain a system for cash fare collection on our transit system. Continuing to allow people to pay their fare with cash contributes to equity, as we have to acknowledge that not everyone can access and independently use Hop Fastpass. TriMet collected \$7.4 million in cash fare revenue in FY22. The fare boxes that are currently in use on our buses have been our go-to since 1989. Like our ticket vending machines, the fare boxes were refurbished about 10 years ago, but these devices are so old it is very hard to source parts for regular maintenance and repairs. The purpose of this resolution is to authorize a contract with a vendor to replace fare boxes across our bus fleet. The fleet currently stands at 752 vehicles, with new, electric buses beginning to arrive early next year. TriMet used a competitive Request for Proposals to identify a vendor for this contract and LECIP's proposal received the highest score and presented the best overall value to TriMet. I'll note that this is also the firm that C-TRAN uses for its fare collection. Taking a look at diversity, LECIP has 12 employees, of which more than 41% identify as minority and more than 41% identify as female. In addition, LECIP has shared plans to use subcontractors for about 9% of the work. One of their subcontractors is a certified minority-owned business. Two others are seeking DBE status with the state of Oregon. The resolution seeks authorization of a contract with LECIP for \$11.1 million. The amount came in significantly lower than TriMet's independent cost estimate of \$14.7 million. Funding is included in the FY24 through FY27 capital budgets for the Finance and Administrative Services Division.

Action: Director Kim moved for approval of Resolution 23-09-47. Director Frisbee seconded the motion. The motion passed with unanimous approval.

Resolution 23-09-48 – Authorizing a Contract with David Evans and Associates, Inc. (DEA) for Cross Mall Turn Back Project Design Services

Mr. Desue discussed Resolution 23-09-48. This resolution is an opportunity to address challenges and increase the resiliency and reliability of the MAX Blue and Red lines. Planned and unplanned service disruptions to the lines in Downtown Portland can be challenging to overcome in a timely manner, leading to long delays. A new "turnback" on 1st Avenue would allow trains to loop between Yamhill and Morrison Streets... providing a long-term solution during disruptions... helping improve efficiency... increasing on-time

performance... and reducing the amount of time that it takes to recover normal schedules. The project would also:

- Facilitate MAX service during the construction of the Earthquake Ready Burnside Bridge
- Decrease the impact of MAX disruptions related to the Steel Bridge, and
- Reduce the impact and duration of disruptions when there are issues on the east side of the Willamette River.

TriMet used a competitive Request for Qualifications to select David Evans and Associates for this project. I'll note that David Evans was the only firm to submit a proposal, and that's likely due to the highly specialized scope of this work. The firm is the top "rail girder" expert in the state of Oregon. The resolution before you would authorize a five-year contract at an amount not to exceed \$2.55 million. The amount is included in the FY24 Engineering, Construction and Planning Capital Improvement Budget. Taking a look at diversity, David Evans has about 970 employees. Its workforce is about 17% minority and 33% female. In addition, the firm plans to use certified firms for about 20% of the work.

Action: Director Kellogg moved for approval of Resolution 23-09-48. Director Lewis seconded the motion. Director Kim was absent from the vote. The motion passed with six votes in favor and one absent.

Resolution 23-09-49 – Authorizing a Contract with Reitmeier Inc. (RINU) for On-Call HVAC Ordinary Repair, Maintenance and Minor Alteration Services

Mr. Desue discussed Resolution 23-09-49. The purpose of this contract is to authorize a contract with a vendor who will maintain HVAC systems on the roughly 20 buildings that are included in TriMet's Facilities Maintenance Department. These systems require regular repairs and maintenance. TriMet has outsourced this work for a number of years. If approved, this contract would authorize the use of on-call repair and maintenance services by Reitmeier. The firm was selected through a Competitive Request for Proposals. This resolution would authorize a contract for \$1.12 million to provide on-call services over a five-year term. The amount is included in the Facilities Management operating budget for FY24 through FY25. Looking at diversity, Reitmeier has 26 employees; 21.4% identify as minority and 7% are female.

Action: Director Frisbee moved for approval of Resolution 23-09-49. Director Kellogg seconded the motion. Director Kim was absent from the vote. Director Edwards abstained. The motion passed with five votes in favor, one absent and one abstention.

Resolution 23-09-50 – Authorizing a Contract-Specific Special Procurement Exemption for LED Lighting Removal and Installation Services

Mr. Desue discussed Resolution 23-09-50. The next resolution to come before you this morning seeks to fill a gap in our ongoing LED Lighting retrofit project of TriMet facilities. You'll recall this project has been underway since 2020, and it started in response to findings that the lighting at Center Street and other facilities was not code compliant and either at the end of or well past its useful life. The LED-lighting products for the project were purchased according to a State of Oregon pricing agreement. However, TriMet does not have a contract in place for the removal of existing and installation of new lighting. We have tried on more than one occasion to conduct solicitations for these services, but due to receiving very few responses, we've been relying on existing on-call contract funds. Those funds have now been nearly exhausted. As a result, TriMet must undertake a new contract solicitation for the specialized electrical work years earlier than initially estimated. While acting in the capacity of the TriMet Contract Review Board, directors may authorize a special procurement exemption, if it meets certain requirements. Among them,

whether the exemption promotes public interest in a way that could not “practicably be realized through the competitive bidding process.” Approval of the resolution will allow TriMet to conduct a special solicitation, that is exclusively for contractors certified by Oregon’s “Certification Office for Business Inclusion and Diversity,” also known as COBID. Staff have already conducted market research and outreach and have identified a pool of COBID firms that can perform the work. It has been budgeted in the Facilities Management Department’s annual operating budget.

Action: Director Gonzalez convened the TriMet Contract Review Board, comprised of the TriMet Board of Directors, to take action on this resolution. Director Frisbee moved for approval of Resolution 23-09-50. Director Lewis seconded the motion. Director Kim was absent from the vote. The motion passed with five votes in favor, one vote opposed and one absent. Director Gonzalez reconvened the TriMet Board of Directors for the remainder of the business meeting.

5. Ordinances

Ordinance 375 – Amending TriMet Code Chapter 19 to Allow Current and Former Members of the United States Armed Forces to Qualify for Honored Citizen Fare (First Reading and Public Hearing)

General Counsel Devine read Ordinance No. 375 by Title Only.

Mr. Desue discussed Ordinance 375. As a Veteran of the United States Army, you all know that this is very personal to me. I believe it’s time for TriMet to expand our Honored Citizen fare program to people in our community who serve or have served their country honorably. By adopting this benefit, we will be able to improve opportunities for active duty and veterans to access health care, educational services and jobs via transit. Mr. Desue introduced Senior Coordinator of the Fare Policy Program, Jamie Surface, to provide further details. A copy of the presentation can be found in the meeting archives at www.trimet.org.

Director Edwards moved for a motion to amend Ordinance 375 to provide fareless transit for active military and veterans. Director Kellogg seconded the motion to amend.

After further discussion, Director Kellogg moved to table the motion to amend Ordinance 375. Director Edwards seconded tabling the motion to amend. The motion to table the amendment passed with five votes in favor and one absent.

President Gonzalez opened the public hearing.

Public Comment

One member of the community provided comments on Ordinance 375.

6. Resolutions Pulled from the Consent Agenda

Resolution 23-09-42 – Authorizing a Contract Modification with Raimore Construction, LLC (Raimore) for Construction Manager/General Contractor (CM/GC) Services for the Hollywood Transit Center Infrastructure Project

Mr. Desue discussed Resolution 23-09-42. Raimore Construction has been selected as the Construction Manager/General Contractor for the Hollywood Transit Center project. It includes a public plaza, new stair and ramp structure, new bus facilities, as well as a site-built traction power substation. The resolution before you today requests authorization of a contract modification with Raimore, to add \$5.6 million contract authority, and an additional change order allowance. This will allow for procurement of long lead

time items and other components of the job. This type of layered or buildable approach is typical with CMGC contracts. The Board made a similar modification last February and staff anticipates seeking a further modification in February 2024, to add the balance of the construction work. TriMet has sufficient FY24 funds budgeted for the work. As you are well aware, Raimore checks all of the boxes on diversity. The firm has 64 employees, of which the workforce is 71% minority and 17% female. In addition, Raimore intends to use certified subcontractors for 73% of the work.

Action: Director Wai moved for approval of Resolution 23-09-42. Director Lewis seconded the motion. The motion passed with unanimous approval.

7. Other Business & Adjournment

Hearing no further business, President Gonzalez adjourned the meeting at 1:34pm

Respectfully submitted,

Falesha Thrash, Board Administrator and recording secretary