

Environmental Cleanup Allocation Committee

October 14, 2010, Meeting Minutes

Committee Members Present:

Chairperson, Garry Brown, Orange County Coastkeeper
Vice-Chair Mary Anne Skorpanich, O.C. Watershed and Coastal Resources Program
John Bahorski, City of Cypress
Tim Casey, City of Laguna Niguel
Gene Estrada, City of Orange
Joe Parco, City of Santa Ana
Hector B. Salas, Caltrans
Dick Wilson, City of Anaheim

Committee Members Absent:

Mark Adelson, Santa Ana Regional Water Quality Control Board
William Cooper, UCI
Paul D. Jones, Irvine Ranch Water District
Chad Loflen, San Diego Water Quality Control Board
Tom Rosales, Manager of the Southern California Wastewater Authority
Sat Tamaribuchi, Environmental Consultant

Orange County Transportation Authority Staff Present:

Marissa Espino, Senior Community Relations Specialist
Janice Kadlec, Public Reporter
Charlie Larwood, Planning & Analysis Section Manager

Guests

Allyson Dong, UCI Student

1. Welcome

Chairman Garry Brown, welcomed everyone, and began the meeting at 10:10 p.m. He introduced Allyson Dong, a University of California at Irvine student who is doing a paper on why some cities are not interested in participating in the Environmental Cleanup Program. It will be interesting to see what the cities' issues are.

Chairman Garry Brown announced the OCTA Board reappointed all the members of the ECAC to another three-year term. Chairman Brown requested the election of ECAC Chairman and Vice Chairman be put on the agenda for the next meeting and asked the members to think about who they would like to fill these positions.

2. Approval of September Minutes

Chairman Garry Brown asked if there were any additions or corrections to the September 9, 2010 meeting minutes. There were no corrections or additions requested. A motion was made by Tim Casey and seconded by Dick Wilson to

approve the September 9, 2010 meeting minutes as presented. The motion passed unanimously.

3. Selection of Tier 2 Planning Study Consultant

Chairman Garry Brown reported the selection of the planning study consultant for the Tier 2 Program has been completed and only needs the final approval of the OCTA Board. This consultant will help to identify, through modeling, the most effective places to invest money and funds for the Tier 2 program.

Tim Casey asked when the item would go to the Board for approval and what the approximate cost of the contract was. Charlie Larwood said the item will go to the Board on November 22, and the approximate cost is \$450,000.

Gene Estrada asked which three consulting firms applied. Charlie Larwood said the three consultant firms responding to the RFP were RBF, Geosyntec, and AE COM.

4. Tier 1 Call for Projects Update/Storm Water Purchase and Installation MOU

Charlie Larwood gave an update of the Tier 1 process. They are currently aiming for the call for projects to go out at the beginning of 2011. He said several things needed to happen in order for the call for projects to go out, one of which was a signed final agreement and MOU with the County and OCTA for the consolidated purchase agreement. OCTA legal has signed off on the document and it is over at the County for their approval.

Charlie Larwood asked the Committee how many vendors they would like on the vendor list for the consolidated purchase agreement. Mary Anne Skorpanich asked if the number of vendors should be limited. John Bahorski suggested one vendor per category. Chair Garry Brown said some cities already have screens in place and for these cities other alternatives needed to be offered. He would suggest eight to 10 vendors should be on the list.

Charlie Larwood clarified the MOU would be for screens and inserts only. Tim Casey asked if there would be a shopping list of the vendors who responded or would it be a screening process. Charlie Larwood said the contract will be a competitive process. Cost will be part of the evaluation of the vendors, but it would be focused on screens and catch basin inserts. If they choose another type of device, they would have to contract separately using the Tier 1 Grant money. Mary Anne Skorpanich said the intent of the consolidated purchase agreement was to save time with the procurement and also provide some bulk rate cost reductions. Charlie Larwood said they did not want to limit a city's ability to choose what works best for them. He said staff is looking into allowing any Orange County government agency to purchase off this contract for screens and inserts and allowing purchases to be made with non-OCTA funds. John Bahorski said his city has screens in place but they are not wedded to the kind they have.

Chairman Garry Brown said (getting back to the original question) he would be surprised if there was any more than five vendors in each category needed. Charlie Larwood said they would try and get at least five vendors but not more than 15. Mary Anne Skorpanich suggested waiting until the response comes in to the RFP to determine how many vendors should be on the list.

5. Approval of Tier 1 Scoring Criteria

Mary Anne Skorpanich said the Tier 1 Scoring Criteria Subcommittee met and drafted language for the scoring criteria for the Tier 1 Program. She drew the Committee's attention to the Tier 1 Point Summary in the agenda package.

Dick Wilson said the Point Summary is different from the information given to the Committee members at the September meeting. Dick Wilson said the point values on today's Points Summary look like old information. The point values were changed at the last ECAC meeting and the one he was concerned about was the Benefits. At the last meeting he believed the Benefits question value was bumped up to 20 points.

Charlie Larwood said first he would like to go over the questions on the scoring sheet. These questions were part of the Board approved guidelines for the scoring criteria. The point values for the questions were put in place so the Committee could be comfortable with what was being looked at so far. There is still room to adjust the point values.

Charlie Larwood said some of the questions in the Selection Criteria have been highlighted, based on the comments of the subcommittee, because they have repetitiveness. Also a great deal of discussion went into the first category – Problem and Source Identification – on how to get money to as many of the cities as possible. Gene Estrada walked through the questions on the Selection Criteria and talked about the reasons behind the wording of some of the questions.

John Bahorski asked if the Committee could go back and tweak the criteria if it was found some things were not equitable to everybody. Mary Anne Skorpanich said this should be explicit and it should not be locked in.

Garry Brown said if the first funding cycle is capped at \$2.8 million, the next two funding cycles (2014 and 2017, respectively) will each be for \$8.1 million. He asked if some flexibility could be built into the funding amount for the first cycle. There may be more high scoring projects than can be funded with \$2.8 million. Charlie Larwood said he will check, but there was a funding plan approved by the OCTA Board and this may not allow for flexibility.

Dick Wilson asked if the applicants could just answer the questions and have the evaluators determine how many points would be awarded based on the applicant's answers. Gene Estrada said if this is done the yes or no questions would need to be eliminated and the application would be more difficult. Charlie Larwood said if the

scoring was being done by the evaluators it could lead to compromises on some issues. It would make it more difficult for the evaluators, but there would be more discretion.

Tim Casey said from the beginning the attempt was to create a balance between the M2 competitive process and inventing a competitive process. The Selection Criteria is basically a script – answer the question and you will get five points. It doesn't matter how you answer the question it is whether you answer the question.

Charlie Larwood asked if the Committee would like to reassign the points for the six categories. Dick Wilson suggested going back to what was decided in September:

1. Problem and Source Identification = 15 points
2. Project Design = 15 points
3. Project Implementation = 20 points
4. Operations and Maintenance = 10 points
5. Benefits = 20 points
6. Performance Metrics = 10 points
7. Bonus Points = 10 points

Tim Casey asked if there is any safeguard against an applicant getting two or more projects approved at the cost of one applicant putting forth one good faith project and getting nothing. The Committee felt everyone who applies should get funded. Chairman Garry Brown said this is why he would like to see some flexibility in the \$2.8 million funding amount. He would like to see everyone get some money.

Charlie Larwood said the M2 Ordinance is very specific on competitive versus turnback dollars. The intent of putting the cap in the program was to put some fairness in but still have some competitiveness. There may be problems with the Ordinance with an even distribution. Mary Anne Skorpanich suggested giving 10 points to the highest scoring individual project on every application.

Tim Casey suggested referring the problem of a fair distribution back to the subcommittee to discuss the fairness issues. Chairman Garry Brown said one of the first discussions by the ECAC was to make sure everyone received something back.

With regard to the amount of money for this cycle, Mary Anne Skorpanich said the expectation is that the economy improves in the future and more money will be available to fund the projects.

6. ECP Public Outreach Update

Marissa Espino reported in September OCTA Staff presented to the Coastal Coalition and also the Technology Fair took place in September. After the Technology Fair,

Garry Brown and Mary Anne Skorpanich made a presentation to the Technical Advisory Committee.

In October there will be presentations to the Newport Bay Watershed Executive Committee and the Orange County Council of Governments.

7. Next Meeting – To Be Determined

The November 11, 2010 regular meeting of the ECAC has been canceled due to Veterans Day. Staff will contact the Committee members on another day to meet in November.

8. Committee Member Reports

Tim Casey reported the new MS4 permit eliminated three categories of non-prohibitive discharge. The City of Laguna Niguel is now in the process of updating their water quality ordinances because of this.

9. Adjournment

The meeting adjourned at 11:30 a.m.