



**Anaheim Transportation Network
Board of Directors Meeting Minutes
Wednesday, June 27, 2012
3:00 P.M. – 5:00 P.M.**

**Anaheim Convention Center
Mezzanine Conference Room
800 West Katella Avenue, Anaheim, CA 92802**

Board members in attendance:

**Fred Brown, Desert Palms Hotel
Ann Gallagher, AOCVCB
Charles Ahlers, AOCVCB
Sven Grunder, Holiday Inn & Staybridge
Jeff Morse, DoubleTree Guest Suites
Tom Morton, City of Anaheim
Bill O’Connell, BW Stovall Hotels
Luanna Huber, Walt Disney Company
Paul Sanford, Anabella Hotel**

ATN Staff Present:

**Diana Kotler, Anaheim Transportation Network
Lita Aguilar, Anaheim Transportation Network**

Legal Counsel:

Michael Houston, Cummins & White, LLP

Ex-Officio Members:

Robert Johnson, MV Transportation, Inc.

ATN Members Present:

**Linda Johnson, City of Anaheim
Curt Pringle, CPA
Todd Priest, CPA
Sue Zuhlke, OCTA**

Members of the Public Present:

Bill Costley, MV

AGENDA

- 1. Presentation of a Resolution to Bill Costley Anaheim Resort Transit Operator of the Month**

Staff presented a Resolutions of Appreciation to Bill Costley ART Operator of the Monday for their quality service and leadership exhibited with the dedication to excellence in ART service.

Call To Order: ATN Board of Directors meeting called to order at 3:10 pm

PUBLIC HEARING:

Staff presented the proposed fare increase for adult and child passes and described the revenue sharing program that would allow member properties the opportunity to offset annual contributions by sharing in the revenue generated from the fare increase in the adult passes. Revenue from child passes and from the TVM sales at Disneyland and the Amtrak Metrolink Station would be retained by ATN. Offset revenue would be rebated to GardenWalk annually since tickets are not sold directly at that location.

Staff noted that 87% of survey respondents felt that the current fare price was a good value, and that even with the fare increase, the price of taking ART for a family of four is still a better value than parking at Disneyland.

Staff noted that 2700 public notices were mailed, collateral materials in buses and ATN website, and a notice was posted in the local newspaper. A public workshop was held by the ATN on June 12, 2012. Two individuals attended the workshop.

By Motion (Sanford/Grunder), the Board moved to the close of the public hearing and authorize staff to prepare the fare increase form Boards' final consideration and approval at the July 25th ATN Board of Directors meeting.

AYES: 8
NOES: 0
ABSTAIN: None

Reports:

All agenda items and reports were available for review at the Anaheim Transportation Network office. Any writings or documents provided to a majority of Anaheim Transportation Network Board Members regarding any items of this agenda (other than writings legally exempt from public disclosure) will be made available at the Anaheim Transportation Network, located at 1280 South Anaheim Blvd., Anaheim, CA 92805 during regular business hours.

Additions/Deletions to the Agenda – Staff informed the Board that there were no additions or deletion from the agenda

Public Comments: None

Consent Calendar:

Items 1 – 7 on the consent calendar will be acted on by one roll call vote unless members of the ATN Board of Directors, staff or the public request the item to be discussed and/or removed from the consent calendar for separate action:

1. Receive and approve minutes of the ATN Board of Directors and General Membership meeting held on Wednesday, May 23, 2012

2. Receive and file status report pertaining to the Anaheim Transportation Network operations
ATN Focus Area Reports –May 31, 2012
3. Receive and approve ART Operating Reports through May 31, 2012
4. Receive and file ATN membership report
5. Receive and close financial reports for the periods of April 30, 2012. File draft financial reports for the period of May 31, 2012
6. Receive and file customer service summary for May 2012.
7. Receive and file sales report summary for May 2012.

By Motion (Sanford/Morton), the Board approved Consent Calendar

AYES: 8
NOES: 0
ABSTAIN: None

END OF CONSENT CALENDAR

Operational Report:

8. ART operational update – monthly report provided by MV Transportation, Inc.

Robert Johnson, General Manager, MV Transportation, Inc. highlighted MV's activities during the month of June 2012. ART services for the Grand Opening of Disney's CarsLand were provided without incidents. All requests for additional services, as well as increased demand for service provided.

BOARD WORKSHOPS:

9. Upcoming Anaheim transportation initiatives. Community support and participation
Presentation by Curt Pringle & Associates. Presentation materials will be provided at the meeting

Curt Pringle, with Curt Pringle & Associates, provided an updated presentation on the importance on the community support of the upcoming Anaheim transportation initiatives. A presentation centered on the financial and economic development benefits was provided to the ATN Board of Directors highlighting 15 years of planning and development efforts for the transportation projects for the Anaheim and the entire Orange County. Mr. Pringle informed the Board that the ARTIC project will be going through the final set of approvals by the OCTA Board of Directors in July, clearing the path for the construction in the fall.

Implementation of the ARTIC project will pave the way for future transportation initiatives such as Anaheim Rapid Connection (ARC), future consideration for the California High Speed Rail project, federal funding initiatives, increased economic development opportunities, and local job creation for the Anaheim Resort and the surrounding areas.

ACTION CALENDAR:

10. Receive and file report from the ATN legal counsel concerning opinion letter from the Fair Political Practices Commission dated June 13, 2012.

Michael Houston, ATN legal counsel, provided a summary of the opinion letter by the Fair Political Practices Commission (FPCC) which determined that the ATN and its Board of Directors are no longer required to file annual Conflict of Interest Statements (Form 700). FPCC reached this decision based on the changed nature of the ATN operations, compared to the ATN's institutional and operation structure back on 2004 when the original FPCC opinion was rendered.

The ATN is still subject to the Brown Act and Public Records Act. At its annual review of the by-laws, language changes will be proposed to fine-tune responsibilities under the Public Records Act.

By Motion (Sanford/Ahlers), the Board received and filed report and FPCC opinion letter.

AYES: 8
NOES: 0
ABSTAIN: None

11. Adopt ATN Resolution #12-002 pertaining to the ATN Board of Directors Conflict of Interest Policy applicable to private nonprofit organizations and superseding ATN Resolution #11-03 adopted by the ATN Board of Directors on July 27, 2011.

By Motion (Sanford/Brown), the Board approved ATN Resolution #12-002 adopting a Conflict of Interest Policy applicable to private nonprofit organizations and superseding ATN Conflict of Interest Resolution #11-03 adopted by the ATN Board of Directors on July 27, 2011

AYES: 8
NOES: 0
ABSTAIN: None

12. Approve as to form template hotel service agreement, subject to any further modifications or revisions that do not materially alter the business terms presented but that are deemed necessary and/or reasonable by the Executive Director and legal counsel.

Staff and ATN legal counsel presented a draft ART service agreement template which was slated for the distribution to all ART participants in the month of July as a result of the upcoming ART fare changes. Upon discussion of the proposed changes to the draft agreement, the ATN Board of Directors recommended that the following changes be incorporated in the agreement prior to the release to the ART service participants:

- a. Provision of a 90-day notice for the intent to transfer agreement
- b. Due on sale provision
- c. Assignment clause
- d. Term of the agreement shall be for two (2) years with an automatic extension clause of one (1) year

- e. Approval of the ATN for all for all transfer agreements

By Motion (O’Connell/Morton), the Board approved, with provided changes, ART service agreement and authorized staff to begin agreement distribution to ART service participants.

AYES: 8
NOES: 0
ABSTAIN: None

- 13. Approve 2012-13 Continuation Operating Budget at last fiscal year’s level. Authorize Executive Director to make changes as needed between the 2012-13 Continuation Operating Budget and the budget to be submitted to the ATN Board of Directors at July 25, 2012 meeting.

Even though, the ATN traditionally adopted an annual budget for operation of the ATN at its June Board of Director meeting; however due to the issues associated with the uncertainties of future ATN operating facility and provision of maintenance services, ATN staff requested approval of the:

- 1. Approval of a Continuation Budget for FY 2012-13. The continuation operating budget is based on the prior year budget due to:
 - a. Final location and cost of the ATN operating facility;
 - b. Relocation costs and timing of the ATN operating facility; and
 - c. Outcome of certain contractual amendments that will have direct results on
- 2. Authorize Executive Director to make changes as needed between the 2012-13 Continuation Operating Budget and budget to be submitted to the ATN Board of Directors on July 25, 2012.

By Motion (Sanford/O’Connell), the Board approved staffs request Continuation Operating Budget for July 2012 last fiscal year’s level.

AYES: 8
NOES: 0
ABSTAIN: None

CLOSED SESSION:

ATN Regular Board of Directors meeting adjourned at 4:25 p.m.

Closed Session:

Conference with real property negotiator Executive Director Diana Kotler, pursuant to Government Code Section 54956.8, concerning potential terms and conditions of acquisition and/or disposition of the property identified below:

Property Location: 11790 Cardinal Circle, Garden Grove, California 92843
Owner/Negotiating Party: Orange County Transportation Authority

Conference with real property negotiator Executive Director Diana Kotler, pursuant to Government Code Section 54956.8, concerning potential terms and conditions of acquisition and/or disposition of the property identified below:

Property Location: 1016 East Katella Avenue, Anaheim, California 92806
Owner/Negotiating Party: Jaycox Properties (Property Owner)
TestAmerica (Sublessor)

Conference with real property negotiator Executive Director Diana Kotler, pursuant to Government Code Section 54956.8, concerning potential terms and conditions of acquisition and/or disposition of the property identified below:

Property Location: 1354 South Anaheim Boulevard, Anaheim, California 92805
Owner/Negotiating Party: Walter J. Furie and Gladys Furie c/o Farmers & Merchants Bank Trust

Conference with Legal Counsel -- Initiation of litigation pursuant to Govt. Code § 54956.9(c): (1 case)

Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(b): (1 matter)

Adjourn Closed Session. ATN legal counsel, Mr. Houston, made a report. No action to report.

Adjourn ATN June 27, 2012 ATN Board of Directors Meeting.

Next regular ATN Board of Directors meeting will take place at the Anaheim Convention Center Room 206, 800 West Katella Avenue, Anaheim, on Wednesday, July 25, 2012.