

**Anaheim Transportation Network
Board of Directors Meeting
Wednesday, July 28, 2010
2:30 P.M. – 5:00 P.M.**

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

Meeting Minutes

Call To Order: ATN Board of Directors meeting called to order at 3:0 pm.

Board members in attendance:

Paul Sanford, Anabella Hotel
Jeff Morse, Doubletree Guest Suites
Harold Rapoza, Hilton Anaheim
Sven Grunder, Staybridge/ Holiday Inn Anaheim Resort
Fred Brown, Desert Palms Hotel
Tom Morton, City of Anaheim
Marcus Borman, Anaheim Marriott
Chris Lowe, Disneyland Resort

ATN Staff Present:

Diana Kotler, Anaheim Transportation Network
Lita Aquilar, Anaheim Transportation Network
Lynn Keller, Anaheim Transportation Network

Legal Counsel:

Pam Lee, Aleshire & Wynder, LLP

Ex-Officio Members:

Dan McKeehan, MV Transportation, Inc
John Siragusa, MV Transportation, Inc
Thomas McAleer, MV Transportation, Inc
Rex Clark, MV Transportation, Inc

ATN Members:

Bonnie Hawley, Kaiser Permanente
Peter Houck, Anaheim GardenWalk

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. This is the opportunity for members of the public to speak on any item under the jurisdiction of the ATN Board of Directors or public comments on any agenda item.

All interested parties may be present and be heard prior to beginning of closed session.

Consent Calendar:

- 1. Receive and approve minutes of the ATN Board of Directors meeting held on Wednesday, June 23, 2010.**
- 2. Receive and file Status Report pertaining to the Anaheim Transportation Network operations. *ATN Focus Area Report –June 30, 2010***
- 3. Receive and file report pertaining to the Anaheim Transportation Network membership renewals**
- 4. Receive and approve ART Operating Reports through June 30, 2010**

By Motion (Brown/Rapoza) the Board approved Consent Calendar items #1 through 4.

AYES: 8
NOES: 0
ABSTAIN: None

Action Calendar:

- 5. Receive and close financial reports for the period of May 2010. Review and file draft financial reports for the period of June 2010. Review and file draft financial reports Fiscal Year End 2009/10.**

Staff reviewed and closed by Motion (Brown/Rapoza) financial statements for the period ending May 2010. The Board received and filed draft Financial Reports for the periods of June 2010 and fiscal year-end 2009/2010

AYES: 8
NOES: 0
ABSTAIN: None

- 6. Authorize staff, upon consultation with legal counsel to execute:**

- A. Settlement agreement between MV Transportation, Inc. and ATN for Route 17 Park & Ride Lot start-up costs;
- B. First amendment to the master ART service agreement pertaining for the assumption of ART dispatch and supervisory responsibilities by the ATN; and
- C. Second amendment to the master ART service agreement pertaining to the terms and conditions of Route 17 Park & Ride Lot service

Continued from the ATN Board of Directors meetings on March 11, April 28, May 26 and June 23, 2010.

Staff provided an overview with the settlement agreement points between the ATN and MV transportation for the issues related to the start-up cost for Route 17 – Park & Ride Loop:

1. Out of approximately \$482,000 presented to the ATN for start-up costs, MV will be reimbursed \$425,000
2. ATN will issue a payment of \$234,096, per second revision of the start-up cost proposal, agreement between Disney and the ATN, and upon execution of the settlement agreement
3. Billing rate for Route 17 service will remain at \$30.55/hr (for the duration of the diesel fleet utilization). Since the increase in the rate from \$29.25 to \$30.55 was predicated on assumptions that did not materialize, \$0.93/hr will go toward start-up cost repayment:

Justification

\$0.40	No drivers employed at \$12/hr
\$0.39	No related increases in benefits
<u>\$0.14</u>	No increase in staff at the division
<u>\$0.93</u>	

4. A credit of \$20,309 (21,838 billed hours @ \$0.93/hr) will be applied toward start-up cost
5. The remaining amount of \$170,595 will be built into the hourly rate for the remainder of the agreement term not to exceed 183,435 hours or approximately 25 months

Agreed start-up cost amount	\$425,000
Payment per proposal	\$234,096
Credit for billed hours	\$ 20,309
Total paid start-up costs	<u>\$254,405</u>
Amount due	<u>\$170,595</u>

6. Upon receipt of the LNG buses and subsequent billing rate reduction to \$24.10/hr, the rate will be adjusted to \$25.03 (\$24.10 plus \$0.93) to compensate MV for the

initial start-up expenditures. Subsequent CPI-related rate increases will be adjusted accordingly.

The ATN shall reimburse MV Transportation, Two Hundred Thirty-Four Thousand Ninety-Six Dollars (\$234,096.00) upon execution of the Settlement Agreement.

Upon completion of the repayment of the start-up costs, the Contractor shall be compensated for Route 17 Park & Ride Loop transportation services for the remainder of the term of the 2009 Master Agreement between the parties commensurate with the applicable VSH rates as submitted by the Contractor in its proposal dated March 9, 2010 -- Exhibit A for Route 17 Park & Ride Loop transportation services.

Based upon the reached settlement points, agreement between Disney and the ATN does not need to be renegotiated. Director Morton had a concern related to the potential reduction of the ATN's revenues as a result of the settlement with MV. Staff advised that, first and foremost, ATN is a non-profit organization and by our charter, we cannot generate profit from our members above and beyond reasonable administrative costs. In addition, at the time budget preparations for the operation of Route 17, a contingency amount was budgeted to accommodate for potential cost unforeseen matters/issues.

My motion (Morton/Brown) the ATN Board of Directors approved settlement points as recommended by staff. Director Lowe abstained from the discussion and vote.

AYES:	7
NOES:	0
ABSTAIN:	1

7. Presentation of the Automated Vehicle Location (AVL) system designed for ART fleet

Rex Clark, with MV Transportation made a presentation regarding the upcoming deployment of the Automated Vehicle Location (AVL) for the Anaheim Resort Transit (ART). This system has been installed in 34 ART buses and is currently undergoing final testing. Implementation and introduction of the AVL system to the Resort community is slated for this fall. The system would allow front desk staff and passengers to text and request estimated bus arrival times at all stops within the Anaheim Resort. Upon submission of the text message, within 10 seconds, the passengers and/or front desk staff would receive verification for the arrival of the next bus.

Resort business establishments and guests will be able to sign for service alerts to receive a notification of any service delays, road closures and other pertinent service information.

Additional internal operational functions for supervisors and dispatchers were presented. Board members asked staff to research and propose a proposal for street and lobby display signs to better inform travelling public of the bus arrival information.

INFORMATIONAL ITEM – NO ACTION

8. Discuss promotional program with GardenWalk. Authorize staff to begin discussion with GardenWalk property management team. Subject to approval by the ATN Board of Directors at a later meeting. Continued from the ATN Board of Directors meeting on February 24, 2010

Continued from the ATN Board of Directors meeting on February 24, 2010, staff presented an opportunity to work with the new property management company at Anaheim GardenWalk, to re-align ART service to better serve the Anaheim GardenWalk property. The proposal would include addition of a stop on most ART routes through the Anaheim GardenWalk's transportation center.

The Board had some concerns with the current "feel" of the transportation center and recommended that a more inviting environment be developed for the transportation center. Staff will continue to work on dry-runs to better estimate additional time that would be needed for each route to deviate through the Anaheim GardenWalk's transportation center.

Separate discussion pertaining to the purpose and passenger impact, should certain ART routes be deviated to serve the Anaheim GardenWalk transportation center, focused on the overall mission and purpose of ART service and the ATN.

By motion (Brown/Lowe) the ATN Board of directors authorize staff to begin discussions with GardenWalk property management team. Final recommendations would be subject to approval by the ATN Board of Directors at a later meeting.

AYES: 8
NOES: 0
ABSTAIN: None

9. Authorize staff to work with ATN's legal counsel to issue a cease-and-desist letter to the previous transportation service provider.

By Motion, Morton/Brown, staff was directed to contact the previous transportation service provider and request to stop any and all negative remarks about the ATN. If this practice continues, staff shall work with legal counsel to issue a cease-and-desist letter to the previous transportation service provider.

AYES: 8
NOES: 0
ABSTAIN: None

10. Status Reports:

A. OCTA Bus Lease Project

11. Other Business - None

12. Regular ATN Board of Directors Meeting Adjourned at 4:40 pm ATN Board of Directors meeting moved to the closed session

Closed Session:

1. The Board Will Discuss Issues Relating to Personnel Matters, Pursuant to Government Code Section 54956.9(c) (1 matter)

Upon completion of the closed session, the Board of Directors reconvened in public session. Attorney Lee made a report. No reportable decision was made and the Board reconvened regular ATN Board of Directors meeting at 5:35 pm.

Adjourn Closed Session at 5:35 pm

Next regular ATN Board of Directors meeting will take place on Wednesday, September 22, 2010 at 3:00 p.m. at Anaheim Convention Center Mezzanine Conference Room.