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**Anaheim Transportation Network  
Board of Directors Meeting Minutes  
Wednesday, July 27, 2011  
3:00 P.M. – 5:00 P.M.**

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

Call To Order: ATN Board of Directors and General Membership meeting called to order at 3:02 pm

Board members in attendance:

Tom Morton, City of Anaheim  
Charles Ahlers, AOCVCB  
Sven Grunder, Holiday Inn Anaheim Resort/Staybridge Suites  
Larry Slagle, Yellow Cab of No. Orange County  
Fred Brown, Desert Palms Hotel  
Bill O'Connell, Stovall Hotels  
Jeff Morse, DoubleTree Guest Suites  
Todd Ament, Anaheim Chamber of Commerce  
Larry Meifu, Cortona Inn & Suites  
Peter Houck, Anaheim GardenWalk

ATN Staff Present:

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

Legal Counsel:

Pam Lee, Aleshire & Wynder, LLP

Ex-Officio Members:

Robert Johnson, MV Transportation, Inc.

ATN Members:

Linda Johnson, City of Anaheim  
Bonnie Hawley, Kaiser Permanente

*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.*

ATN's Executive Director introduced new ATN staff member, Pam Peters. Ms. Peters joined the ATN on July 11, 2011, after over 25 years of service for the Orange County Transportation Authority, in a capacity of Operations Manager – Safety and Training.

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.

**Consent Calendar:**

*Items 1 – 4 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 meeting held on Wednesday, June 22, 2011
2. Receive and file Status Report pertaining to the Anaheim Transportation Network operations. *ATN Focus Area Reports – June 30, 2011*
3. Receive and approve ART Operating Reports through June 30, 2011
4. Receive and file ATN membership report

**Discussion:** Directors Ament Slagle asked staff to explain application of liquidated damages against the contractor. Staff advised that lenient application of liquidated damages has been exercised starting March 1, 2011. A notice of intent to apply liquidated damages was sent to the contractor. The Board of Directors instructed staff to apply liquidated damages as specified in the agreement, without any exceptions.

By Motion (Morton/Brown), the Board approved Consent Calendar items #2 through 5.

AYES: 10  
NOES: 0  
ABSTAIN: None

END OF CONSENT CALENDAR

**Operations Report – Informational Item – No Action Required:**

Agenda Item 5 -- ART operational update – monthly report provided by MV Transportation, Inc.

Robert Johnson, General Manager with MV Transportation, Inc. made a presentation to the ATN Board of Directors highlighting recruitment efforts and intention of continuing to meet operational needs of the Anaheim Resort Transit Service.

The Board of Directors re-iterated full intention for the application of liquidated damages as called for by the agreement between the ATN and MV Transportation, Inc. (MV). Mr. Johnson stated that MV is dedicated to the provision of transportation services and will work with the ATN staff to ensure delivery of transportation services to meet the needs of the ATN, its constituency and the traveling public.

**Action Calendar:**

Agenda Item #6 - Receive and close financial reports for the period of May 2011. Review and file draft financial reports for the period of June 2011. Review and file draft fiscal 2010/11 year-end financial report

The ATN Board of Directors took action to receive and close financial reports for the period of May 2011 and to review and file draft financial reports for the period of June 2011. Staff presented information pertaining to the excess revenue for June 2011 and issuance of rebate checks to the ART-participating lodging establishments in the amount of \$55,000. A list of rebate recipients was presented to the Board of Directors and staff advised that all checks will be going out by the end of the month.

By motion (Brown/Ahlers), the ATN Board of Directors received and closed financial reports for the period of May 2011 and reviewed and filed draft financial reports for the period of June 2011.

AYES: 10  
NOES: 0  
ABSTAIN: None

Agenda Item #7 -- Review and approve Anaheim Resort Transit Passenger Code of Conduct

In order for the Anaheim Resort Transit (ART) to perform a vital public service and safely delivery transportation services to the traveling public, while maintaining safety for the personnel and the public, the Anaheim Resort Transit Passenger Code of Conduct needs to be established to safeguard the public and protect employees from the risks posed by inappropriate passenger conduct.

Three (3) specific threats are addressed in the Anaheim Resort Transit Passenger Code of Conduct:

1. Threat. An expression or action showing intent to inflict harm. The giving signs or warnings of violence or the announcement of violence as a possibility.
2. Inappropriate Behavior. Any conduct that does not demonstrate respect for safety and welfare of themselves and/or others or that interferes with the orderly provision of transportation services. The Bus Operator may use its sole discretion in determining the level of violation for any and all other inappropriate behavior(s)/conduct.
3. Violence. Physical force employed to violate, damage, abuse, injure or strike in any manner.

In addition, guidelines outlining Bus Etiquette And On-Board Conduct were reviewed highlighting appropriate and/or safety related conduct while in transit. Even though public transit services cannot be refused to the members of the traveling public, under certain circumstances, transit authority's staff may remove and/or refuse service if the passengers' actions and/or behavior pose a safety threat to the ART personnel and/or other passengers on-board.

By Motion (Morton/Ament), the ATN Board of Directors approved Anaheim Resort Transit Passenger Code of Conduct.

AYES: 10  
NOES: 0  
ABSTAIN: None

Agenda Item #8 -- Review and authorize staff to negotiate and execute agreement for Rail Feeder Services between the ATN and Western Transit Systems.

The item continued from June 22, 2011, ATN Board of Directors meetings pending resolution potential conflict of interest issues. Upon consultation and determination by the ATN legal counsel that a conflict of interest issues does not exist, the ATN Board of Directors was allowed to consider execution of an agreement for transportation services between the ATN and Western Transit Systems.

The primary goal of the proposed agreement was to update existing agreement between the ATN and Western Transit Systems as it relates to the scope of transportation services. No changes in the billing rate were proposed.

For the ATN, this is a pass through agreement. No revenue is being generated by the ATN. The funding for the service is provided by the City of Anaheim, Anaheim Redevelopment Agency and Downtown Anaheim Merchants Association. Service agreement with the above named agencies does not require an amendment.

By Motion (Morton/Ament), the ATN Board of Directors approved Anaheim Resort Transit Passenger Code of Conduct.

AYES: 9  
NOES: 0  
ABSTAIN: Director Slagle

Agenda Item #9 -- Award consulting agreement to Transportation Management and Design, Inc. for the ATN re-structuring study

The Anaheim Transportation Network in cooperation and coordination with the City of Anaheim is embarking on the restructuring study for the ART system. The study is funded by a grant from Caltrans.

The ATN issued a Request for Proposals on in May 2011. A pre-proposal conference was held on May 10, with proposals due to the ATN on June 17, 2011. The ATN received six proposals from the following consulting teams:

1. IBI Group
2. Transportation Management& Design
3. DouglasKim & Associates
4. Nelson Nygaard
5. KOA Corporation
6. Dan Boyle & Associates

The evaluation committee advanced two firms, IBI Group and Transportation Management& Design into the final stage of the evaluation process of in-person presentation. Upon completion of the evaluation phase, the evaluation committee recommended award of the agreement for the ATN re-structuring study to Transportation Management& Design, Inc.

The primary goal of this study is to provide strategically developed and financially feasible phased service implementation plans to deliver cohesive, efficient, effective, and sustainable transit services in conjunction with the proposed implementation of the Anaheim Resort Connection (ARC) fixed guideway service, future implementation of the High Speed Rail (HSR) service and utilization of the Anaheim Regional Transportation Intermodal Center (ARTIC).

By Motion (Brown/Morton), the ATN Board of Directors approved staff recommendation to award a consulting agreement to Transportation Management and Design, Inc. for the ATN re-structuring study

AYES: 10  
NOES: 0  
ABSTAIN: None

#### Agenda Item #10 -- Review and approve ATN Public Comment Policy

As a quasi-public agency governed by the Brown Act, Government Code § 54950 *et seq.*, the Anaheim Transportation Network (“ATN”) is required to allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the governing body. The ATN may, however, adopt reasonable regulations, including time limits, on public comments, which will be enforced fairly and without regard to speakers’ viewpoints.

This policy pertains to and provides regulation of all public comments made at a public meeting of the Board of Directors or the General Membership of the ATN. Nothing in this policy shall abrogate any participant’s constitutional right to attend and participate in meetings of the ATN.

This policy, upon adoption, shall remain in effect until such time it is modified or rescinded by the Board of Directors.

1. The Public Comment portion of the agenda will be placed at the beginning of the agenda, prior to the Consent Calendar and Action Calendar.
2. Each speaker must be recognized by the presider as having the exclusive right to be heard.
3. Comments are limited to three (3) minutes per speaker. A speaker is not permitted to give the remainder of his or her time to another speaker to increase that speaker’s allotted time.
4. Public Comment time shall be limited to fifteen (15) minutes. The Board of Directors, by majority vote, may choose to extend the Public Comment time, up to an additional fifteen (15) minutes.
5. After a speaker has finished with his or her comment, the Board of Directors may ask the speaker questions for clarification, which shall not be counted towards the 3-minute time limit.
6. The Board of Directors shall not be required to open up public comment on any item on the Agenda that already has been considered and/or voted upon by the Board of Directors.
7. Any speaker is permitted to make a public comment within the subject matter jurisdiction of the ATN or criticism of the policies, procedures, programs, or services of the ATN, or acts or omissions of the Board of Directors. Any speaker that makes a public comment that is not within the above purview, causes persistent disruption, or that breaches decorum of the meeting shall be asked to stop, and failing to do so, shall be required to leave the room.
8. Any speaker may be requested, but shall not be required, to provide his or her name and/or address as a condition to making a public comment.

The Executive Director shall be responsible for administration of this policy. This policy shall be effective immediately upon approval by the Board of Directors.

Director Ament requested an explanation as to why ATN needs to abide by the Brown and Political reform Acts and therefore adopt a public comment policy. Staff explained that the determination regarding compliance with both legislations was determined by the opinion rendered by the State of California's Fair Political Practices Commission (FPPC) in 2004. This determination was predicated by two facts:

1. ATN was formed by an action of the Anaheim City Council (formed by a public agency) authorizing the use of public funds to complete formation of the ATN; and
2. ATN provides a service that is typically provided by public agencies, i.e. cities, counties, JPAs and/or special districts. Since at the time of the ATN formation such agency was not available for the provision of ART services, the City Council directed the ATN, once legal and corporate formation processes were completed, to provide public transportation services to the City's constituency.

By Motion (Brown/O'Connell), the ATN Board of Directors approved approve ATN Public Comment Policy

AYES: 10  
NOES: 0  
ABSTAIN: None

Agenda Item #11 -- Review and approve ATN Conflict of Interest Policy

The ATN received inquiries from the potential Ex-Officio members pertaining to the necessity of the Ex-Officio members to file Form 700 (conflict of interest form). Upon deliberation and recommendation from the ATN legal counsel, the ATN Board of Directors re-affirmed ATN Resolution # 04-002, *A Resolution Of The Board Of Directors Of The Anaheim Transportation Network Adopting Its Conflict Of Interest Code.*

By Motion, (Brown/O'Connell) the ATN Board of Directors approved re-affirmed the ATN Conflict of Interest Policy as stated in Resolution # 04-002.

AYES: 10  
NOES: 0  
ABSTAIN: None

Agenda Item #12 – Discuss ATN options for legislative input and participation in the legislative process concerning transit programs, funding and other related topics

Purpose for the proposed participation in the legislative process concerning transit programs, funding and other related topics would be to advocate for advancement of legislative proposals that would address acceleration of transit and transportation funding programs. Monitor, analyze and support Federal and State legislation to affect funding and projects to deliver transportation services. Manage

and maintain competitive grants program to strategically seek and obtain federal, state and local grant funds.

Federal Legislative Program:

- Support legislative priorities as Congress acts to authorize a new Surface Transportation Bill following expiration of SAFETEA-LU.
- Forward correspondence to legislative delegation to encourage adoption of legislation that includes transit initiatives, robust funding levels and other transportation initiatives to increase and expedite funding of transportation projects.
- Support passage of comprehensive climate change legislation with a set-aside for transit and other green transportation initiatives
- Advocate renewal of alternative fuel excise tax credit

State Legislative Program:

- Support efforts to minimize impacts of the state budget issues on transportation funding
- Coordinate efforts to clarify emerging climate change and sustainability programs – SB375
- Work with state, regional and transportation interests to secure, protect and enhance transportation funding and programs state-wide
- Support efforts to implement High Speed Rail program
- Support effort to preserve state funding for local agencies, i.e. cities and counties.

The ATN Board of Directors instructed staff to coordinate the proposed legislative efforts with the City of Anaheim and other agencies, in an effort to ensure corresponding approach among all involved parties. Staff is to bring this item to the August 2011 ATN Board of Directors meeting. NO ACTION TAKEN – CONTINUED TO AUGUST 2011 ATN BOARD OF DIRECTORS MEETING.

Agenda Item #13 – Presentation of the Digital Recorders Inc. options for the implementation of the “next bus” technology

At the previous ATN Board of Directors meeting, the Board expressed interest in expediting the implementation of the “Next Bus” information technology to provide actual arrival information to the traveling public. ATN considered several options for the deployment of this technology:

1. Competitive solicitation process
2. Use existing vendor

Upon review of the potential solicitation processes, funding requirements, implementation schedules, technology availability, as well as the existing on-board technology on ART bus fleet, staff recommended to proceed with a sole source contract award, pending final and firm cost proposal with Digital Recorders, Inc. (DRI). Reasons for the sole source recommendation are as follows:

- Digital Recorders, Inc (DRI) is current ATN vendor for the provision of changeable on-board signs (internal and external) and voice annunciation system
- Existing equipment used in the ATN’s buses would be used for the implementation platform
- Operability and compatibility of the existing equipment/technology

The proposed demonstration project costs would consist of one-time capital costs and installation of six (6) on-street (at stops) changeable message signs.

One-time capital costs:

\$ 68,275	Core Software Module
\$ 34,370	Project Management Fee
\$ 6,145	Annual Software Maintenance Fee
\$ 2,727	Initial Software Configuration
<u>\$ 11,100</u>	1 <sup>st</sup> year charge for Network Operations Center
\$122,617	Total One-Time/Non-recurring Costs

Equipment costs:

\$14,652	Cellular bus on-board modems
\$ 1,940	Tri-band antennas
\$35,026	Six (6) street signs (solar configuration)
\$13,372	Installation
<u>\$ 4,862</u>	Street Sign Installation
\$69,852	Total Equipment, Installation (recurring) Costs

**\$192,470**                      **Total Cost**

Upon further discussion, any by Motion (Brown/Morton) the ATN Board directed staff to obtain a cost estimate for system-wide project implementation. Final project cost shall be presented at the August ATN Board of Directors meeting for action to forward project recommendation to the Anaheim Tourism Assessment District consideration.

AYES:            10  
NOES:            0  
ABSTAIN:        None

Agenda Item #14 -- Status Reports:

Update on the ATN Franchise Application – Anaheim City Council Meeting on July 19, 2011

Staff advised the Board that the Anaheim City Council Meeting on July 19, 2011, the ATN Franchise Application was approved upon completion of the public hearing. No members of the public were present in the opposition to the proposed franchise application. the ATN Franchise Application was approved by a unanimous vote of the Anaheim City Council Meeting.

Annual Hotel Rebate Program – Rebate checks are slated to go out by June 30, 2011. A list of rebate recipients, with the corresponding rebate amounts, was provided.

Agenda Item #15 -- Other Business -- None

Agenda Item #16 -- ATN Board of Directors Meeting adjourned at 4:47 pm. Next regular ATN Board of Directors meeting will take place at on Wednesday, August 24, 2011.