



Anaheim Transportation Network
Board of Directors Meeting Minutes
Wednesday, January 23, 2013
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:

Jerry Alder, Anaheim GardenWalk
Kevin Anderson, The Catch
Sergio Bocce, Hilton Anaheim
Marcus Borman, Anaheim Marriott
Fred Brown, Desert Palms Hotel
Christina Dawson, AOCVCB
Grant Dawdy, Walt Disney Company
Sven Grunder, Holiday Inn & Staybridge Suites
Jeff Morse, DoubleTree Guest Suites
Paul Sanford, Anabella

ATN Staff Present:

Diana Kotler, ATN
Lita Aguilar, ATN
Shelly Bullard, ATN

Legal Counsel:

Michael Houston, Cummins & White, LLP

Ex-Officio Members:

Robert Johnson, MV Transportation, Inc.
Doug Gies, MV Transportation, Inc.
George Lee, MV Transportation, Inc.
Randy Johnson, MV Transportation, Inc.

ATN Members Present:

Larry Slagle, Western Transit

Members of the Public Present: Gary Allen, Newmark Grubb Knight Frank
Sue Zulke, OCTA
Linda Johnson, City of Anaheim
Alyson Price, Curt Pringle & Associates

AGENDA

CALL TO ORDER

ATN Board of Directors meeting called to order at 3:04 p.m.

PUBLIC COMMENTS - None

Diana Kotler introduced Kevin Anderson with The Catch as a new ATN Board Member and Sergio Bocce with Hilton Anaheim as an alternative for Shaun Robinson.

CLOSED SESSION:

Closed session convened at 3:06 p.m.

1. 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

2. Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation Pursuant to Government Code § 54956.9(c): (One Potential Case)

ADJOURN CLOSED SESSION

Closed session was adjourned at 4:55 p.m.

ATN legal counsel, Mr. Houston, reported that the Board took action with regard to closed session item #2 with the following vote.

AYES: 10

NOES: 0

ABSTAIN: None

Reconvene ATN Board of Directors Meeting at 4:55

SPECIAL CALENDAR

3. Presentation of a Resolution to:
 - a. Victor Guevara for the Anaheim Resort Transportation Operator of the Month November;
 - b. Peter Lamaestra for the Anaheim Resort Transportation Operator of the Month December;
 - c. Shalawn Brown for the Anaheim Resort Transportation Employee of the Quarter; and
 - d. Alex Recendez for the Anaheim Resort Transportation Employee of the Year

ADDITIONS/DELETIONS TO THE AGENDA - None

PUBLIC COMMENTS - None

CONSENT CALENDAR

Items 4 – 11 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:

4. Receive and approve minutes of the ATN Board of Directors and General Membership meetings held on Wednesday, November 28, 2012
5. Receive and file status report pertaining to the Anaheim Transportation Network operations
ATN Focus Area Reports – December 31, 2012
6. Receive and file ART Operating Reports through December 31, 2012
7. Receive and file ATN membership report
8. Receive and close financial reports for the periods of October 31 and November 30, 2012.
File draft financial reports for the period of December 31, 2012
9. Receive and file customer service summary for December 31, 2012
10. Receive and file sales report summary for December 31, 2012
11. Receive and file report pertaining to the ATN bus order. Seventeen (17) A-Z Bus Sales Inc., Glaval Entourage Compressed Natural Gas buses received by the ATN. The report on the status of the remaining three low floor El Dorado Passport Compressed Natural Gas buses is provided with estimated delivery date slated for May 2013

END OF CONSENT CALENDAR

By Motion (Sanford, Grunder), the Board moved to approve the consent calendar.

AYES: 10
NOES: 0
ABSTAIN: None

OPERATIONAL REPORT:

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

Robert Johnson with MV Transportation provided an update on ART operations. MV currently has 138 drivers on the payroll, and is continuing to conduct training classes on the third Monday of every month in order to maintain adequate driving staff levels. MV has a goal of going 75 days without an accident; they are currently on the 10th day of being accident free. ART provided service for the Tinkerbell ½ Marathon and NAMM, both of which ran smoothly without any major operational issues. Board Member Brown asked about driver retention. Mr. Johnson responded that it is difficult to maintain drivers if they can find higher pay elsewhere, however, MV is implementing a rewards program and safety contest to increase morale and provide additional financial incentives. Diana Kotler introduced Doug Gies with MV Transportation. He is the new President of the Southwest Area.

BOARD WORKSHOPS:

13. Overview of the Ralph M. Brown Act governing open meeting requirements for local government bodies as contained in Section 54950 et seq. of the Government Code *Presentation by Michael Houston – ATN Legal Counsel*

Michael Houston, ATN Legal Council, provided an overview of Brown Act. Because ATN was established by the City of Anaheim, ATN Board meetings are subject to all Brown Act requirements. In addition, ATN's bylaws also require adherence to the Brown Act. The purpose of the Brown Act is to ensure that deliberations are open to the public, regularly scheduled and properly agendized. This applies to any congregation of a majority at the same time and same place, to hear or deliberate any matter with the exception of attending conferences, other open meetings or celebratory events. The Brown Act also applies to electronic communication including phone calls or emails chains that reach a majority of members. Because meetings are required to be public, the public has the right to comment, record and video meetings. Subcommittee meetings are not subject to the Brown Act because they have less than a quorum and convened for a limited period of time.

ACTION CALENDAR:

14. Election of the 2013 Executive Committee. Proposed slate for the ATN 2013 Executive Committee is as follows:

2013 Executive Committee:

Chairman	Paul Sanford
Vice Chair	Fred Brown
Treasurer	Sven Grunder
Secretary	Marcus Borman

Appoint two ATN Ad Hoc Sub-Committees:

- i. ATN Finance Ad Hoc Sub-Committee -- Sven Grunder & Fred Brown
- ii. ATN ART Service Procurement Ad Hoc Sub-Committee
 1. Paul Sanford
 2. Jerry Alder
 3. Fred Brown
 4. Kristina Dawson

By Motion (Morse, Dawson), the Board elected the 2013 Executive Committee slate as proposed.

AYES:	10
NOES:	0
ABSTAIN:	None

By Motion (Morse, Dawson), the Board appointed Paul Sanford and Marcus Borman to the ATN Finance Ad Hoc Sub-Committee until June 30, 2013.

AYES:	10
NOES:	0
ABSTAIN:	None

By Motion (Morse, Dawson), the Board appointed Paul Sanford, Jerry Adler, Fred Brown and Christina Dawson to the ATN ART Service Procurement Ad Hoc Sub-Committee until March 31, 2014.

AYES:	10
NOES:	0
ABSTAIN:	None

15. Adopt Resolution 13-002 pertaining to a conflict of interest policy to establish best practices for ATN Board of Directors and “key employees” superseding Resolution No. 11-003 adopted by the Anaheim Transportation Network in 2011

The Board revised the conflict of interest policy that applies to non-profit entities to reflect recent determinations by the California Fair Political Practices Commission (FPPC) that indicated that ATN is not a “local agency” under the Political Reform Act.

By Motion (Sanford, Brown), the Board adopted Resolution 13-002 pertaining to conflict of interest policy.

AYES: 10
NOES: 0
ABSTAIN: None

16. Approval and authorization of Executive Director to execute documents and performance of actions in settlement of anticipated litigation

This item, including documents and actions was discussed in closed session.

By Motion (Sanford, Brown), the Board approved and authorized the Executive Director to execute documents and performance of actions in settlement of anticipated litigation as stated in Resolution 13-001.

AYES: 10
NOES: 0
ABSTAIN: None

17. Approval of agreement with Brezack & Associates Planning in an amount not to exceed \$3,200 for peer review of necessary permits

By Motion (Sanford, Morse), the Board approved an agreement with Brezack & Associates Planning for peer review of necessary permits.

AYES: 10
NOES: 0
ABSTAIN: None

18. Authorize Executive Director to begin procurement process for the Anaheim Resort Transportation Services. Review and approve draft Request for Qualifications to commence selection of contractor for Anaheim Resort Transportation services

The current agreement with MV Transportation expires July 29, 2014. A formal procurement

process is necessary to select the next service provider. A list of contractors is included in the item. Those firms will be notified of the RFQ. The procurement process will be two-step: 1) RFQ; and 2) RFP. The purpose of this process is to help narrow down a list of qualified firms that will be invited to submit an RFP. This will also allow ATN to have a pre-qualified list of firms to contact in case major contract issues arise with a service provider under contract. The RFQ/RFP will be broken down into three sections, 1) Core ART Service, 2) Fixed Routes, 3) Downtown Circulator. Firms may propose on one or all of the portions, and ATN will have the ability to select firms to provide service for one or more portions as well. This process is anticipated to take a full year to complete.

By Motion (Sanford, Dawson), the Board authorized the Executive Director to begin procurement process for ART Services.

AYES: 10
NOES: 0
ABSTAIN: None

19. Authorize Executive Director to release Request for Proposals (RFP) for Anaheim Resort Transportation electronic fare media. Review and approve of release of RFP # 13-001 to select the best qualified service provider for electronic fare media

ATN has been under contract with GFI for fareboxes and printing of electronic fare media. ATN is now in a position to select another firm to print our tickets and must go through the procurement process to award a contract. ATN spends approximately \$50,000 a year for printing approximately one million tickets. It should be noted, that advertising covers much of the cost of printing.

By Motion (Sanford, Morse), the Board authorized the Executive Director to release RFP#13-001 for provision of electronic fare media.

AYES: 10
NOES: 0
ABSTAIN: None

20. Authorize Executive Director to submit a progress report to the City of Anaheim in compliance with City of Anaheim Ordinance 6219 pertaining to a non-exclusive franchise agreement with the ATN

Executive Director discussed the requirement contained in the franchise agreement with the City of Anaheim to provide a yearly update regarding ATN's ability to perform the provision of ART service. Ms. Kotler highlighted some of ATN's accomplishments during the past year

including the expansion of service to Buena Park and Santa Ana; expansion of a clean-fuel fleet; installation of a bus arrival system; increased frequency to Anaheim Stadium and increasing ridership. In response to a question, Ms. Kotler explained that the Franchise Agreement extends until 2018.

By Motion (Sanford, Morse), the Board authorized the Executive Director to submit a progress report to the City of Anaheim pertaining to a non-exclusive franchise agreement.

AYES: 10
NOES: 0
ABSTAIN: None

21. Authorize Executive Director to dispose of certain ATN assets

Periodically, ATN must dispose of assets that are past their service life. In August 2011, ATN disposed of five electric buses. Currently, there are five more electric buses that are past their service life. The Ebuses have a service life of 7 years and ATN used the buses for 11 years. These buses will go to Santa Barbara MTD for use on their system. ATN also has several Diesel buses that will be donated to charity, sent to auction or recycled. One New Flyer bus may be donated to Anaheim Police Department. In response to a question, Ms. Kotler responded that ATN receives a nominal amount of money from disposition.

By Motion (Sanford, Brown), the Board Executive Director to dispose of certain ATN assets.

AYES: 10
NOES: 0
ABSTAIN: None

22. Other Business:

- a. Delivery of 17 new buses for ART Fleet
- b. ATN Board of Directors 2013 Meeting Schedule

Ms. Kotler provided an update on the delivery of the 17 new Glaval Entourage buses. There are some minor defects, but overall the buses are as expected. They are being fueled at Harbor/Orangewood CNG facility. Ms. Kotler formally thanked OCTA for processing payment promptly so that ATN could adhere to all federal timelines regarding payment.

Ms. Kotler distributed the ATN Board of Directors 2013 Meeting Schedule.

Board Member Brown asked about a comment he heard regarding a light rail system in

Anaheim. Linda Johnson of the City of Anaheim responded that the Anaheim City Council selected a streetcar as the Locally Preferred Alternative. Ms. Kotler noted that the City would be providing an update on the ARC project in the upcoming months.

ADJOURN ATN BOARD OF DIRECTORS MEETING

Adjourn ATN January 23, 2013 ATN Board of Directors Meeting at 5:03 p.m.

Next regular ATN Board of Directors meeting will take place at the Anaheim Convention Center February 27, 2013