

# AGENDA

## *Governing Board of the Alameda Corridor Transportation Authority*

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**Meeting Date:** October 8, 2009  
**Time:** 9:00 A.M.  
**Location:** Port of Long Beach  
925 Harbor Plaza  
6<sup>th</sup> Floor Board Room  
Long Beach, California

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- A. Roll Call
- B. Opening Statement

Persons in the audience who wish to address the Governing Board on any agenda item are invited to identify themselves when that agenda item is called. Persons wishing to address the Governing Board on an item not on the agenda but within the subject matter jurisdiction of the Board should ask to be recognized after the last agenda item before any closed session item. Ordinarily, the Governing Board will not act on any matter which does not appear on the published agenda. The Governing Board may consider and act upon any of the items listed on the agenda.

- C. Agenda Items

- 1. Closed Session:

- CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**  
(Subdivision [a] of Section 54956.9)

- NRDC et al vs. California Department of Transportation District 7 with ACTA  
as Real Party in Interest**  
**Los Angeles Superior Court Case BS 122539**

- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
(Subdivision [b] of Section 54956.9)  
(2 potential cases)

- Consent:**

- 2. **Approval of the Minutes of the August 21, 2009 special meeting of the  
Governing Board of the Alameda Corridor Transportation Authority.**



**3. Adoption of Revised Investment Policy (RECEIVE AND FILE)**

**Regular:**

- 4. Adopt the attached resolution concerning the California Environmental Quality Act (CEQA) Findings of Fact and Statement of Overriding Considerations for the SR-47 Project as a responsible agency and as the public agency carrying out the project. (APPROVAL)**
- 5. Authorize the Chief Executive Officer to issue a notice-to-proceed to URS Corp. for the final engineering and preparation of construction documents for the Heim Bridge Replacement portion of the SR-47 Project (known as Segment 1) in a total aggregate amount not to exceed \$6,700,000. (APPROVAL)**
- 6. Authorize the Chief Executive Officer to enter into negotiations for construction management services for the SR-47 Project with the highest ranked firm as recommended by the selection committee. (APPROVAL)**
- 7. Authorize the Chief Executive Officer to 1) negotiate a “cost plus fixed fee” amount with HNTB for analytic and design services for the Badger Rail Bridge seismic retrofit; and 2) upon successful completion of negotiations, execute an agreement and issue a notice to proceed for the first phase analytic work at the negotiated amount, which amount is not expected to exceed \$1,000,000. (APPROVAL)**
- 8. Authorize the Chief Executive Officer or Chief Financial Officer to 1) designate the following three (3) firms as comprising ACTA’s investment banking team: Bank of America/Merrill Lynch, Stone & Youngberg, and De La Rosa & Company; 2) authorize the team to work with ACTA staff and financial advisor to explore restructuring portions of ACTA’s debt; 3) further designate the following additional six (6) firms to augment ACTA’s investment banking team, if and as needed: Barclay’s Capital, Citibank, Jeffries & Company, Inc., Wedbush Morgan Securities, Loop Capital Markets, and MR Beal & Company. (APPROVAL)**
- 9. Authorize the Chief Executive Officer or Chief Financial Officer to issue an amendment to Agreement CO799 with O’Melveny & Myers in the amount of \$250,000 for legal services through June 30, 2010. (APPROVAL)**
- 10. Review of Unspent ACTA Project Funds (INFORMATION)**
- 11. Authorize the Chief Executive Officer to: 1) defer further work on the Phase 2 Thenard Track Connection Project and the New Cerritos Channel Rail Bridge Project, except for the seismic analysis of the existing rail bridge; and 2) reserve the \$10 million in savings from these deferrals for possible future offset of port shortfall advances necessary for ACTA debt service. (APPROVAL)**
- 12. Legislative Update (INFORMATION)**
- 13. August Performance Update (INFORMATION)**
- 14. Public Comment**
- 15. Adjournment**