

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON JANUARY 12, 2006, AT 8:30 A.M.

Members present:

Frank Colonna, City of Long Beach
Janice Hahn, City of Los Angeles
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
Richard D. Steinke, Port of Long Beach
Douglas Krause, Port of Los Angeles
Stacey Jones, Port of Los Angeles

Members absent:

James C. Hankla, Port of Long Beach

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Charles Gale, ACTA, Co-General Counsel
Thomas A. Russell, ACTA, Co-General Counsel

CHAIRPERSON COLONNA PRESIDED AS CHAIR.

Chairperson Colonna called for a moment of silence in honor of Ms. Marcine Shaw, Councilmember of the City of Compton.

APPROVAL OF MINUTES

Mr. Steinke moved, seconded by Mr. Knabe and unanimously carried, the minutes of the special meeting of December 14, 2005, were declared read and approved as read.

CONSENT CALENDAR - ITEMS NOS. 1-5

1. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED NOVEMBER 30, 2005 – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated January 12, 2006, recommending that the monthly financial reports for the period ended November 30, 2005, be received and filed, was presented to the Governing Board. The reports were to be sent out subsequent to the meeting.

2. BUTTERFIELD COMMUNICATIONS – AMENDMENT TO AGREEMENT NO. 729 – CERRELL ASSOCIATES – AMENDMENT TO AGREEMENT NO. 730 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 12, 2006, recommending authorization for the Chief Executive Officer to issue an amendment to Agreement No. 729 with Butterfield Communications, increasing the not-to-exceed amount by \$1,408.90 from 278,000 to 279,408.90 for CY2005 close-out and by \$12,000 from \$288,000 to \$300,000 for CY2006 for miscellaneous monthly expenses; and amendment to Agreement No. 730 with Cerrell Associates, increasing the not-to-exceed amount by \$6,867.52 from \$236,000 to \$242,867.52 for CY2005 close-out and by \$12,000 from \$211,000 to \$223,000 for CY2006 for miscellaneous monthly expenses, was presented to the Governing Board.

3. ACTA, THE COUNTY OF LOS ANGELES, THE CITY OF LOS ANGELES, AND THE CITY OF LONG BEACH – FOUR-PARTY AGREEMENT WITH THE COUNTY OF LOS ANGELES – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 6, 2006, recommending authorization for the Chief Executive Officer to execute a four-party Construction and Maintenance Agreement with ACTA, the County of Los Angeles, the City of Los Angeles acting by and through its Board of Harbor Commissioners, and the City of Long Beach acting by and through its Board of Harbor Commissioners, for the construction of the proposed 74th Street Bridge trench crossing, was presented to the Governing Board.

4. PROPERTY EASEMENT TO THE COUNTY OF LOS ANGELES FOR THE ANAHEIM STREET PUMP STATION PROJECT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 5, 2006, recommending authorization for the Chief Executive Officer to execute conveyance documents and transfer a minor utility easement to the County of Los Angeles as part of the final transfer of the Anaheim Street Pump Station, was presented to the Governing Board.

5. KONOIKE-PACIFIC CALIFORNIA, INC., CITY OF LOS ANGELES, AND CITY OF LONG BEACH – FOUR-PARTY CONSTRUCTION AND PROPERTY TRANSFER AGREEMENT – VARIOUS UTILITY RELOCATION WORK ORDERS FOR THE CP THENARD NEW TRACK CONNECTION PROJECT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 6, 2006, recommending authorization for the Chief Executive Officer to execute a four-party Construction and Property Transfer Agreement with Konoike-Pacific California, Inc., and the Cities of Los Angeles and Long Beach acting by and through their Board of Harbor Commissioners to permit the construction of the new CP Thenard New Track

Connection Project; and to execute Work Orders with Shell Pipeline, Exxon-Mobil Pipeline, MCI/Qwest, Dow Chemical, the Los Angeles Department of Water & Power and others as required to effect utility relocations and protections required for the work, was presented to the Governing Board.

Mr. Knabe moved, seconded by Mr. Krause, that the communications be received and filed and that Items Nos. 1-5 be approved as recommended. Carried by the following vote:

AYES: Members: Krause, Jones, Steinke, Knabe, Colonna
NOES: None
ABSENT: Hankla, Hahn

At 8:45 a.m., Ms. Hahn arrived at the meeting.

6. NOVEMBER OPERATING AND FINANCIAL PERFORMANCE UPDATE – (INFORMATION).

Mr. John Doherty gave an update of the November '05 vs. '04 Operating and Financial Performance.

7. ACTA'S EXPANDED MISSION UPDATE – (INFORMATION).

Mr. Doherty gave an update on ACTA's Expanded Mission.

Mr. Steinke stated that Port of Long Beach staff would provide an update on the Ocean Boulevard/Terminal Island Project at a future ACTA Governing Board meeting.

CLOSED SESSION

At 9:10 a.m., Chairperson Colonna recessed the Governing Board meeting to hold an attorney-client meeting pursuant to Government Code Section 54956.9, Subdivision (a), regarding existing litigation, and Government Code Section 54956.9, Subdivision (b), regarding anticipated litigation [four (4) potential cases].

At 10:45 a.m., the meeting was again called to order by Chairperson Colonna.

Mr. Thomas Russell, Co-General Counsel to ACTA, announced that during closed session the Governing Board approved to ratify the contract with Zurich American Insurance Company for Zurich to pay \$495,000 to ACTA.

Mr. Charles Gale, Co-General Counsel to ACTA, announced that during closed session the Governing Board authorized payment to CALPERS regarding a CALPERS audit pertaining to a former ACTA employee.

ADJOURN IN MEMORY OF MARCINE SHAW.

At 10:50 a.m., the meeting was adjourned sine die in memory of Marcine Shaw, Councilmember of the City of Compton.