

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 JULY 14, 2005, AT 9 A.M.

Members present:

Frank Colonna, City of Long Beach
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
Geraldine Knatz, Port of Long Beach
Thomas H. Warren, Port of Los Angeles
Stacey Jones, Port of Los Angeles

Members absent:

Janice Hahn, City of Los Angeles
James C. Hankla, Port of Long Beach

VICE CHAIRPERSON COLONNA PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Knabe moved, seconded by Mr. Warren and unanimously carried, the minutes of the regular meeting of June 9, 2005, were declared read and approved as read.

1. ELECTION OF CHAIR AND VICE CHAIR.

Communication from John T. Doherty, Chief Executive Officer, dated July 1, 2005, recommending the Governing Board elect a Chair and Vice-chair of the ACTA Governing Board for FY 2006, was presented to the Governing Board.

Mr. Knabe moved, seconded by Mr. Warren, that Mr. Frank Colonna be elected as Chair of the Governing Board for FY 2006, and that Ms. Janice Hahn be elected as Vice-chair of the Governing Board for FY 2006. Carried by unanimous vote.

Mr. Colonna commended Ms. Hahn on her outstanding job as Chairperson of the Governing Board for FY 2005 and her leadership in moving projects forward, such as Pier Pass and ACTA's Expanded Mission.

Newly elected Chairperson Colonna presided as Chair for the remainder of the meeting.

CONSENT CALENDAR - ITEMS NOS. 2-6

2. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED MAY 31, 2005 - RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated July 6, 2005, recommending that the monthly financial reports for the period ended May 31, 2005, be received and filed, was presented to the Governing Board.

3. TETRA TECH, INC. – CHANGE ORDER TO CONTRACT NO. CO036 FOR ADDITIONAL SITE INVESTIGATIONS – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated July 1, 2005, recommending authorization for the Chief Executive Officer to execute a Change Order to Contract No. CO036 with Tetra Tech, Inc., in the amount of \$205,000, for additional site investigations for South End Project Parcels, Pacific Coast Highway Parcels, and Expanded Mission Project Parcels, was presented to the Governing Board.

4. NRC ENVIRONMENTAL SERVICES – CHANGE ORDER TO CONTRACT NO. CO623 FOR ENVIRONMENTAL REMEDIATION SERVICES – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated July 1, 2005, recommending authorization for the Chief Executive Officer to execute a Change Order to Contract No. CO623 with NRC Environmental Services, in the amount of \$190,000, for environmental remediation services for site cleanup and closeout of parcels for South End projects, Pacific Coast Highway Grade Separation Project and Expanded Mission projects, was presented to the Governing Board.

5. CITY OF LOS ANGELES – AMENDMENT TO MEMORANDUM OF UNDERSTANDING – CONTRACT NO. CO567 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated July 14, 2005, recommending authorization for the Chief Executive Officer to execute an amendment extending the Memorandum of Understanding, Contract No. CO567, with the City of Los Angeles Department of Public Works, Bureau of Contract Administration, for an additional two years, to provide continued contract compliance monitoring and reporting services, was presented to the Governing Board.

6. MANATT, PHELPS & PHILLIPS – INCREASE OF AGREEMENT NO. 693 FOR LEGISLATIVE ADVOCACY SERVICES - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated July 14, 2005, recommending authorization for the Chief Executive Officer to increase the not-to-exceed amount of Agreement No. 693 with the firm Manatt, Phelps & Phillips by \$25,000, for legislative advocacy services, was presented to the Governing Board.

Ms. Knatz moved, seconded by Mr. Knabe, that the communications be received and filed and that Items Nos. 2-6 be approved as recommended. Carried by the following vote:

AYES: Members: Warren, Jones, Knatz, Knabe, Colonna
NOES: None
ABSENT: Hankla, Hahn

7. LAW FIRMS ENGAGEMENT AGREEMENTS FOR LEGAL SERVICES – APPROVED.

Communication from Mr. Joseph Burton, Special Counsel, dated July 14, 2005, recommending authorization for the Chief Executive Officer to execute engagement agreements with the law firms of Foley & Lardner, Fulbright & Jaworski, Quateman & Zidell, and Smith & Rendon for legal services, for a term of one year with the option of ACTA to extend the term for an additional year upon Governing Board approval, at the specified not-to-exceed amounts, was presented to the Governing Board.

Mr. Colonna motioned that approval to execute an engagement agreement with the law firm of Fulbright & Jaworski be held over until next month. The motion was unanimously approved.

Mr. Warren moved, seconded by Mr. Knabe, that the communication be received and filed and that the Chief Executive Officer be authorized to execute engagement agreements with the law firms of Foley & Lardner, Quateman & Zidell, and Smith & Rendon for legal services, for a term of one year with the option of ACTA to extend the term for an additional year upon Governing Board approval, at the specified not-to-exceed amounts. Carried by the following vote:

AYES: Members: Warren, Jones, Knatz, Knabe, Colonna
NOES: None
ABSENT: Hankla, Hahn

8. CONSTRUCTION OF NEW BRIDGE OVER THE ALAMEDA CORRIDOR – INFORMATION ITEM.

Communication from John T. Doherty, Chief Executive Officer, dated July 7, 2005, summarizing a request from the Los Angeles County Department of Public Works to permit the construction of a new bridge across the Alameda Corridor rail trench at 74th Street, was presented to the Governing Board.

Mr. Art Goodwin, ACTA's Assistant Director of Construction and Engineering, gave an overview of the construction of the 74th Street Bridge over the Alameda Corridor. He stated that approval by the Ports of Los Angeles and Long Beach would be required. Mr. Goodwin stated that a Construction and Maintenance Agreement between ACTA and Los

Angeles County would be submitted to the ACTA Governing Board for approval at a future meeting.

9. ACTA EXPANDED MISSION UPDATE – INFORMATION ITEM.

Communication from John T. Doherty, Chief Executive Officer, dated July 8, 2005, summarizing the progress of ACTA's Expanded Mission initiatives, was presented to the Governing Board.

Mr. John Doherty gave an update on ACTA's Expanded Mission Initiatives No. 1 – Extended Terminal Gate Operating Hours, Initiative No. 2 – Increase Use of On-Dock Rail Facilities, Initiative No. 3 – Shuttle Train Development, and Initiative No. 8 – Near Port Empty Container Storage Facilities.

Initiative No. 1 – Extended Terminal Gate Operating Hours:

Mr. Doherty stated that ACTA would provide monitoring of the I-710.

Initiative No. 8 – Near Port Empty Container Storage Facilities:

Mr. Doherty stated that ACTA and the Port of Long Beach plan to co-fund a Virtual Container Yard that would benefit both the Port of Los Angeles and the Port of Long Beach.

Mr. Warren stated that he would like the Port of Los Angeles Board of Harbor Commissioners to revisit this initiative before it is submitted to the ACTA Governing Board for approval.

It was unanimously agreed that approval for co-funding would not be submitted to the Governing Board until the Port of Los Angeles Board of Harbor Commissioners had the opportunity to revisit this item.

Chairperson Colonna suggested having regularly scheduled legislative updates presented to the Governing Board regarding Lowenthal's bills and how they could affect trucking and container fees.

Mr. Knabe recommended having regularly scheduled legislative updates provided to the Governing Board on a monthly basis.

Mr. Doherty stated that monthly updates on legislative matters would be provided to the Governing Board.

10. OPERATING AND FINANCIAL PERFORMANCE REPORT FOR MAY 2005 – INFORMATION ITEM.

Mr. Doherty gave an overview of the Operating and Financial Performance Report for May 2005.

PUBLIC COMMENT

Ms. Karen Mayfield addressed the Governing Board regarding relocation.

CLOSED SESSION

At 9:55 a.m., Chairperson Colonna recessed the Governing Board meeting to hold an attorney-client meeting pursuant to Government Code Section 54956.9, Subdivision (b), regarding anticipated.

At 10:15 a.m., the meeting was again called to order by Chairperson Colonna.

There were no reportable actions from the closed session.

ADJOURNMENT

At 10:16 a.m., the meeting was adjourned sine die.