

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 FEBRUARY 10, 2005, AT 9 A.M.

Members present:

Janice Hahn, City of Los Angeles
Frank Colonna, City of Long Beach
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
James C. Hankla, Port of Long Beach
Richard D. Steinke, Port of Long Beach
Thomas H. Warren, Port of Los Angeles
Bruce Seaton, Port of Los Angeles

Members absent:

None

CHAIRPERSON HAHN PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Colonna moved, seconded by Mr. Warren and unanimously carried, the minutes of the regular meeting of January 13, 2005, were declared read and approved as read.

CONSENT CALENDAR - ITEMS NOS. 1-6

1. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED DECEMBER 31, 2004, RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated January 31, 2005, recommending that the monthly financial reports for the period ended December 31, 2004, be received and filed, was presented and read to the Governing Board.

2. ADDITION OF CALPERS 457 INVESTMENT OPTIONS FOR ACTA EMPLOYEES TO EXISTING CALPERS 457 PROGRAM – APPROVED.
RESOLUTION NO. JPA 1-05 ADOPTED.

Communication from John T. Doherty, Chief Executive Officer, dated February 7, 2005, recommending adoption of a resolution approving adoption of a California Public Employees' Deferred Compensation Plan; authorization for the Chief Executive Officer and the Chief Financial Officer to sign the Employer Adoption Agreement; and

authorization for the Chief Financial Officer, or his designee, to take all other necessary actions in order to make the CalPERS 457 Program available as an option to ACTA employees, was presented and read to the Governing Board.

3. ESTABLISHMENT OF AD HOC ADVISORY COMMITTEES ON PERSONNEL AND AUDIT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 10, 2005, recommending the Governing Board appoint members to Ad Hoc Advisory Committees on Personnel and Audit as follows:

Ad Hoc Advisory Audit Committee:

Chair	Mr. Tom Warren, Port of Los Angeles Harbor Commissioner
Member	Mr. Richard Steinke, Executive Director of the Port of Long Beach
Member	Mr. Don Knabe, Supervisor – L.A. County Metropolitan Transportation Authority
Member	Ms. Janice Hahn, Councilwoman – City of Los Angeles/ACTA Chair

Ad Hoc Advisory Personnel Committee:

Chair	Mr. James Hankla, Port of Long Beach Harbor Commissioner
Member	Mr. Bruce Seaton, Executive Director of the Port of Los Angeles
Member	Mr. Frank Colonna, Councilman – City of Long Beach/ACTA Vice Chair

was presented and read to the Governing Board.

4. BERG & ASSOCIATES, INC. – CHANGE ORDER TO ACTA AGREEMENT NO. CO607 FOR CONSTRUCTION MANAGEMENT SERVICES FOR ADDITIONAL ACTA PROJECTS AND THE PILOT SHUTTLE TRAIN PROJECT - APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated February 2, 2005, recommending authorization for the Chief Executive Officer to execute a Change Order to ACTA Agreement No. CO607 with Berg & Associates, Inc., in the not-to-exceed amount of \$100,000, for construction management services for certain Board-approved additional Corridor projects and the Pilot Shuttle Train Project, was presented and read to the Governing Board.

5. EXECUTION OF GRANT DEED AND ASSIGNMENT BY AND AMONG ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY; CITY OF LOS ANGELES ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS; CITY OF LONG BEACH ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS AND CITY OF COMPTON – APPROVED.

Communication from Joseph Burton, Special Counsel, dated February 10, 2005,

recommending authorization for the Chief Executive Officer to execute the Grant Deed and Assignment by and among the Alameda Corridor Transportation Authority; City of Los Angeles acting by and through its Board of Harbor Commissioners; City of Long Beach acting by and through its Board of Harbor Commissioners, and the City of Compton, was presented and read to the Governing Board.

6. BOY SCOUTS OF AMERICA – DONATION OF COMPUTER EQUIPMENT.

Communication from John T. Doherty, Chief Executive Officer, dated February 2, 2005, recommending authorization for the Chief Executive Officer to donate nineteen ACTA-owned computers to the Boy Scouts of America, was presented and read to the Governing Board.

Mr. Knabe moved, seconded by Mr. Colonna, that the communications be received and filed and that Items Nos. 1-6 be approved as recommended. Carried by the following vote:

AYES: Members: Warren, Seaton, Hankla, Steinke, Knabe, Colonna, Hahn
NOES: None
ABSENT: None

7. NECESSITY FOR THE ACQUISITION OF CERTAIN INTERESTS IN THE REAL PROPERTY COMMONLY KNOWN AS 1926, 2100 AND 2101 EAST PACIFIC COAST HIGHWAY, LOS ANGELES, CALIFORNIA (ACTA PARCEL NOS. PCH-1546 AND 1555) – RESOLUTION NO. JPA 2-05 – ADOPTED.

Communication from John T. Doherty, Chief Executive Officer, dated February 10, 2005, recommending that a public hearing be conducted on the proposed condemnation of the subject property; ask for an oral presentation of the staff report; and take testimony from any record owner(s) or their representative(s) who wish to be heard on the issue, was presented and read to the Governing Board.

Mr. Dennis Devitt of Nossaman, Guthner, Knox & Elliott presented the item and stated that a public hearing was not needed because the consent had been agreed by Shell Oil Company and Caltrans.

Mr. Knabe moved, seconded by Mr. Hankla, that the communication be received and filed and that the resolution entitled, "A RESOLUTION OF THE GOVERNING BOARD OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY DECLARING CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF," be declared read and adopted as read. Carried by the following vote:

AYES: Members: Warren, Seaton, Hankla, Steinke, Knabe, Colonna, Hahn
NOES: None
ABSENT: None

SUPPLEMENTAL INFORMATION ITEM

Mr. John Doherty gave an update on the Anaheim Street Pump Station Project.

8. DECEMBER 2004 OPERATING AND FINANCIAL PERFORMANCE AND CY 2004 VS. CY 2003 COMPARISONS. (INFORMATION)

Mr. John Doherty gave an overview of the December 2004 Operating and Financial Performance and CY 2004 vs. CY 2003 comparisons.

Mr. Hankla asked if a cumulative environmental impact report from the Corridor since its inception had been done.

Mr. Doherty stated that a cumulative environmental impact report had been done and was nearing completion. He stated that the environmental impact report would probably be concluded by next month and, at that time, a full presentation would be made to the Governing Board, followed by a public release of that information.

9. ACTA EXPANDED MISSION UPDATE. (INFORMATION)

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

Initiative No. 1 – Extended Terminal Gate Operating Hours

Mr. Doherty stated that the latest Pier Pass implementation forecast is June 2005. It was suggested that Mr. Bruce Wargo be invited to a future Governing Board meeting to give an update on Pier Pass.

Mr. Doherty reintroduced the notion of ACTA's participation on the Pier Pass Advisory Committee.

Mr. Doherty stated that ACTA would provide traffic counts to Pier Pass after the program was implemented.

Initiative No. 4 – New Near-Dock Rail Facility

Mr. Doherty stated that the Port of Los Angeles Harbor Commissioners, at their meeting of February 9, 2005, approved advancing negotiations with the BNSF.

Ms. Hahn stated that, while near-dock rail facilities certainly take trucks off the freeways, the trucks still need to get from the Ports with their containers to the rail facilities. She stated that she wanted to make sure that the impacts to Wilmington would be addressed.

Mr. Warren stated that, when working with the BNSF, alternate truck routes would

be taken into serious consideration so that Wilmington would not be negatively impacted.

PUBLIC COMMENT

There were no speakers.

CLOSED SESSION

At 9:45 a.m., Chairperson Hahn 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 (2 potential cases).

At 10:40 a.m., the meeting was again called to order by Chairperson Hahn.

Special Counsel Joseph Burton reported that the Board in closed session took the following action:

RE: Existing Litigation. ACTA v. Unocal Corporation, et al. Closed Session Item No. 11(b).

The Board unanimously approved (5-0) an additional \$100,000 under Agreement No. 333 with Glaser, Tonsich & Brajevich LLP for the continued prosecution of ACTA's claims. Members Warren and Seaton were not present, and therefore did not participate in the action on Closed Session No. 11(b).

ADJOURNMENT

At 10:45 a.m. the meeting was adjourned sine die.