

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 NOVEMBER 10, 2005, AT 9 A.M.

Members present:

Frank Colonna, City of Long Beach  
Janice Hahn, City of Los Angeles  
James C. Hankla, Port of Long Beach  
Geraldine Knatz, Port of Long Beach  
Douglas Krause, Port of Los Angeles  
Bruce Seaton, Port of Los Angeles

Members absent:

Don R. Knabe, Los Angeles County  
Metropolitan Transportation Authority

CHAIRPERSON COLONNA PRESIDED AS CHAIR.

**APPROVAL OF MINUTES**

Mr. Seaton moved, seconded by Mr. Krause and unanimously carried, the minutes of the special meeting of October 20, 2005, were declared read and approved as read.

At 9:10 a.m. Ms. Hahn arrived at the meeting.

1. PRESENTATIONS TO THOMAS H. WARREN.

Mr. Colonna presented a certificate of appreciation on behalf of the City of Long Beach.

Ms. Hahn presented a resolution on behalf of the City of Los Angeles City Council.

Mr. Hankla presented a plaque on behalf of the Port of Long Beach.

Mr. Krause presented a resolution on behalf of the Port of Los Angeles.

Mr. Seaton presented a plaque on behalf of the Port of Los Angeles.

Mr. Curt Pedersen, Chief of Staff for Supervisor Don Knabe, presented a resolution on behalf of the County of Los Angeles Board of Supervisors.

Mr. Doherty presented a plaque on behalf of the Alameda Corridor Transportation Authority.

Mr. Warren thanked everyone that he served with over the past four years. He stated that he was very fortunate to become part of the ACTA Governing Board near the time of the opening of the Corridor. He thanked everyone for their kind words and recognition. Mr. Warren received a standing ovation for his many years of dedicated service and outstanding contributions to the Ports and ACTA.

2. AUDITED FINANCIAL STATEMENTS – FY 2005 – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated November 1, 2005, recommending that the Audited Financial Statements for fiscal year ending June 30, 2005, be received and filed, was presented to the Governing Board.

Mr. Krause moved, on behalf of ACTA's Audit Committee, seconded by Ms. Knatz, that the Audited Financial Statements for fiscal year ending June 30, 2005, be received and filed. Carried by the following vote:

AYES: Members: Krause, Seaton, Hankla, Knatz, Hahn, Colonna  
NOES: None  
ABSENT: Knabe

3. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED SEPTEMBER 30, 2005 – RECEIVED AND FILED.

Communication from John T. Doherty, Chief Executive Officer, dated November 10, 2005, recommending that the monthly financial reports for the period ended September 30, 2005, be received and filed, was presented to the Governing Board.

Mr. Preusch introduced Ms. Trang Nguyen, Senior Accountant, and Ms. April See, Financial Systems Manager, of ACTA's Finance Office. He stated that Ms. Nguyen and Ms. See were instrumental in creating the new format of the Monthly Financial Reports.

Mr. Preusch gave an overview of the Monthly Financial Reports.

Mr. Hankla moved, seconded by Ms. Hahn, that the Monthly Financial Reports for the period ended September 30, 2005, be received and filed. Carried by the following vote:

AYES: Members: Krause, Seaton, Hankla, Knatz, Hahn, Colonna  
NOES: None  
ABSENT: Knabe

## **CONSENT CALENDAR - ITEMS NOS. 4-9**

Item No. 5 was removed from the Consent Calendar for discussion.

### **4. QUARTERLY INVESTMENT REPORT – RECEIVED AND FILED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 8, 2005, recommending that the Quarterly Investment Report for the quarter ending September 30, 2005, be received and filed, was presented to the Governing Board.

### **6. PACIFIC PIPELINE INDUSTRIES – RIGHT-OF-ENTRY AGREEMENT – AND FUTURE CORRIDOR-RELATED RIGHT-OF-ENTRY AGREEMENTS – APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 2, 2005, recommending authorization for the Chief Executive Officer to execute a right-of-entry agreement with Pacific Pipeline Industries for work south of SR-91 adjacent to ACTA property, and to execute future Corridor-related right-of-entry agreements with utility owners, adjacent land holders and/or their contractors to perform work on their facilities on or adjacent to ACTA owned property, was presented to the Governing Board.

### **7. BUTTERFIELD COMMUNICATIONS AND CERRELL ASSOCIATES – EXTENSION OF THE TERM OF AGREEMENT – APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 2, 2005, recommending authorization for the Chief Executive Officer to extend the term of Agreement No. 729 with Butterfield Communications, in an amount not to exceed \$288,000, for the period January 1, 2006 through December 31, 2006, and to extend the term of Agreement No. 730 with Cerrell Associates, Inc., in an amount not to exceed \$211,000, for the period January 1, 2006 through December 31, 2006, was presented to the Governing Board.

### **8. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – INTERAGENCY AGREEMENT – APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated October 25, 2005, recommending authorization for the Chief Executive Officer to execute an Interagency Agreement with the California Regional Quality Control Board, in an amount not to exceed \$120,000, to provide regulatory oversight services for the period July 1, 2005 through June 30, 2006, was presented to the Governing Board.

### **9. DONATION OF ACTA-OWNED COMPUTER EQUIPMENT – APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 4, 2005, recommending authorization for the Chief Executive Officer to donate nine ACTA-owned computers to the Long Beach Education Foundation and retroactive

approval of the donation of four ACTA-owned computers to Goodwill Industries of Carson, was presented to the Governing Board.

Ms. Hahn moved, seconded by Mr. Hankla, that the communications be received and filed and that Items Nos. 4 and 6-9 be approved as recommended. Carried by the following vote:

AYES: Members: Krause, Seaton, Hankla, Knatz, Hahn, Colonna  
NOES: None  
ABSENT: Knabe

**5. ACCEPTANCE OF A UNITED STATES TRANSPORTATION SECURITY ADMINISTRATION PORTS ROUND 3 SECURITY GRANT AND A FOURTH AMENDMENT TO AGREEMENT NO. 0571 WITH IBI GROUP – APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 10, 2005, recommending authorization for the Chief Executive Officer to accept a US Transportation Security Administration Ports Round 3 Security Grant, in the amount of \$601, 080; authorize the funding of a 20% local match, in the amount not to exceed \$150,270; and authorize the Chief Executive Officer to execute the Fourth Amendment to Agreement No. 0571 with IBI Group, Inc., in an amount not to exceed \$135,220, to provide project management and system integration of a wireless link for security data as outlined in the Federal Transportation Security Administration's Round 3 Security Grant, was presented to the Governing Board.

Mr. Dan Davis, from the Alameda Corridor Engineering Team, gave an update on the construction of security upgrades.

Mr. Colonna recommended a memo be provided to the Governing Board regarding the action that was taken to get to the retroactive approval that was voted on today.

Mr. Doherty stated that the requested information would be provided to the Governing Board.

Ms. Hahn moved, seconded by Mr. Hankla, that the communication be received and filed and that Item No. 5 be approved retroactively as recommended. Carried by the following vote:

AYES: Members: Krause, Seaton, Hankla, Knatz, Hahn, Colonna  
NOES: None  
ABSENT: Knabe

**10. AGREEMENT WITH UPRR, BNSF, AND SCRR FOR THE COLTON CROSSING FEASIBILITY STUDY AND CHANGE ORDER TO AGREEMENT NO. 27 WITH THE ALAMEDA CORRIDOR ENGINEERING TEAM -- APPROVED.**

Communication from John T. Doherty, Chief Executive Officer, dated November 10, 2005, recommending authorization for the Chief Executive Officer to execute an agreement with UPRR, BNSF, and SCRRA subject to the approval of the SCRRA Board, for conducting the Colton Crossing Feasibility Study; and to issue a Change Order to Agreement No. 27 with the Alameda Corridor Engineering Team, in the approximate amount of \$300,000, to conduct the study, was presented to the Governing Board.

Ms. Hahn moved, seconded by Ms. Knatz, that the communication be received and filed and that Item No. 10 be approved as recommended. Carried by the following vote:

AYES: Members: Krause, Seaton, Hankla, Knatz, Hahn, Colonna  
NOES: None  
ABSENT: Knabe

11. LEGISLATIVE UPDATE – INFORMATION ITEM.

Ms. Sharon Rubacalva, from Weston Benshoof Rochefort Rubalcava & MacCuish LLP, gave a brief presentation, specifically on the Memorandum of Understanding between the Railroads and the Air Resources Board.

Ms. Hahn recommended having an Air Resources Board representative attend a future Governing Board meeting to address questions from the Governing Board regarding the MOU.

Mr. Doherty gave a legislative update.

12. OPERATING & FINANCIAL PERFORMANCE UPDATE – INFORMATION ITEM.

Mr. Doherty gave an Operating & Financial Performance update.

13. ACTA'S EXPANDED MISSION UPDATE – INFORMATION ITEM.

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

CHANGE IN MEETING TIME FOR FUTURE GOVERNING BOARD MEETINGS.

Chairperson Colonna recommended, and it was unanimously agreed, to have future Governing Board meetings begin at 8:30 a.m.

At 10:45 a.m. Ms. Hahn left the meeting.

## **CLOSED SESSION**

At 10:46 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 litigation.

At 11:30 a.m., the meeting was again called to order by Chairperson Colonna.

There were no reportable actions from the closed session.

## **ADJOURNMENT**

At 11:31 a.m., the meeting was adjourned sine die.