



Special Meeting of the Governing Board of the Intermodal Container Transfer Facility Joint Powers Authority Minutes

Minutes of the Special Meeting of the Governing Board of the Intermodal Container Transfer Facility Joint Powers Authority, held at the Silverado Park Social Hall, Long Beach, California, on Tuesday, November 13, 2012 at 6:07 p.m. Transcript and Video of this meeting are available on the ICTF JPA website at www.ictf-jpa.org.

Present: Board Members: Sramek, Knatz, Lytle
Absent: Board Members: Miscikowski
Chairperson Sramek presided.

Also present:

D.	Thiessen	Executive Director
R.	Cameron	JPA Environmental Staff
C.	Cannon	JPA Environmental Staff
J.	Cröse	Acting General Counsel
Y.	Nicholson	Secretary

Public Speakers:

A.	Logan	East Yard Communities for Environmental Justice
W.	Baker	President of Jobs First Alliance
T.	Faavae	
J.	Cross	President of West Long Beach Neighborhood Association
T.	Rivera	West Side Counsel
Z.	Gonzalez	City of Carson Planning Department
S.	Moore	Vice President of Public Affairs at Union Pacific Railroad

Public Comments on Non-Agenda Items

John Cross requested information on the BNSF SCIG Project with regards to a specific bridge that crosses over Willow/Sepulveda

Port of Los Angeles Representative Christopher Cannon responded that the bridge will need to be replaced as stated in the environmental documents

Board Member Sramek suggested that the BNSF SCIG project is outside of the subject matter to be discussed at this meeting which is in regards to the ICTF

Angelo Logan brought up the Santa Teresa Railroad Facility in New Mexico and his understanding that it would be important to include a system-wide analysis of capacity needs within the goods-movement system, not just in isolation.

Executive Director Douglas Thiessen responded that this is relevant to Item Number 11 on the agenda and that it would be appropriate to discuss this at that point.

Approval of Minutes – November 29, 2011

Knatz moved, seconded by Lytle, carried by the following vote:

Ayes:	Board Members:	Knatz, Lytle, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

Board Member Knatz pointed out that the minutes are verbatim records.

Board Member Sramek requested a change in the way minutes are reported to be presented more of a summary of discussion topics and actions.

Executive Director Thiessen stated that a change will be made in minutes reporting in the future.

2012 Officers Election – Item D

Lytle nominated Miscikowski for President

Knatz nominated Sramek for Vice Chair, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Lytle, Knatz, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

Board Reports of Executive Director – Item E Agenda Items

I. Request to approve the acting General Counsel for the ICTF Joint Powers Authority

Executive Director Thiessen recommended that the Board appoint Assistant Counsel Crose as Acting General Counsel and that a thank you letter be written to General Counsel Tom Russel for his service.

Knatz moved, seconded by Lytle, carried by the following vote:

Ayes: Board Members: Knatz, Lytle, Sramek
Noes: Board Members: None
Absent: Board Members: Miscikowski

II. Recommendation to move the meetings

Executive Director Thiessen suggested that the bylaws be changed so that the governing Board meetings are moved from on or about July 1st to October to agree with the custom of the last few years. Additionally this would allow the financial documents to be ready for October instead of July 1st.

Lytle moved, seconded by Knatz, carried by the following vote:

Ayes: Board Members: Sramek, Lytle, Knatz
Noes: Board Members: None
Absent: Board Members: Miscikowski

III. Financial Audit

Executive Director Thiessen stated the financial audit for the fiscal year ending June 30th, 2011 is completed. The audit determined that the fiscal year documents the financial positions, the change in the financial position, and the cash flows are presented fairly and accurately. The operating revenues for the fiscal year increased 4.8% to \$3,999,544.

The volume of containers that moved through the fiscal year ending June 30th, 2011 was up 4% to just under 417,000.

It is recommended that the governing Board receive and file the Financial Audit Report for the fiscal year ending June 30th, 2011.

Knatz moved, Lytle seconded, carried by the following vote:

Ayes: Board Members: Knatz, Lytle, Sramek
Noes: Board Members: None
Absent: Board Members: Miscikowski

IV. Net Facility Revenue Report and AUP

Executive Director Thiessen discussed an Annual Revenue Report for the ending period November 1st, 2011. The ICTF's net revenue during the year was reviewed by KPMG. There were 409,448 gross container moves generating gross revenues of \$12,283,440, a slight decrease of 1.2% from 2010 over the specific reporting period. The gate fees collected by the ICTF less the allowable deductions result in a net facility revenue of \$7,950,476. These revenues are to be equally shared by both Joint Powers Authority and the Union Pacific Railroad. On November 1st, Union Pacific transferred \$3,974,238 to the ICTF investment accounting, representing the 50% share.

The auditors and the JPA staff are in full agreement of all issues.

Executive Director Thiessen recommended the governing Board receive and file the Net Facility Revenue Report for the year ending November 1st, 2011.

Knatz moved, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Lytle, Sramek, Knatz
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

V. Reimbursable Work Order

Executive Director Thiessen recommended that the ICTF JPA governing Board approve and execute an amendment to the Reimbursable Work Order with the Union Pacific Railroad, increasing the maximum reimbursable amount from \$4 MM to \$5 MM. This is because expenses related to modernization of the ICTF are no estimated to cost almost \$5 MM. The additional \$989,000 is being estimated to complete the environmental work and the legal work due to delays, and additional efforts that were unanticipated when this original Reimbursable Work Order was approved.

Lytle moved, Knatz seconded, carried by the following vote:

Ayes:	Board Members:	Knatz, Lytle, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

VI. 2012 – 2013 Budget

Executive Director Thiessen stated the proposed budget is \$3.7 MM; the majority of the costs estimated for the coming year include \$1.69 MM primarily devoted to environmental and legal costs associated with the modernization of the ICTF proposed project. Operating expenses for the JPA are estimated to be less than \$100,000 a year, include costs for the accounting fees, and are outlined in the proposed 2012 – 2013 budget.

The other large expenditure is an estimated \$1.9 MM for the widening of Sepulveda Boulevard between Alameda Street and the entrance to the ICTF. This project is awaiting the completion of environmental reviews from the City of Carson, which might request the funds.

Board Member Sramek asked if anyone has any conversations with the City of Carson about the changes on Sepulveda and what their plans are.

Executive Director Thiessen responded that he has not talked to them lately and offered to update the JPA Board.

Associate Planner from the Planning Division of the City of Carson Zak Gonzalez spoke and indicated that the Engineering Division of the City of Carson sent a letter last year for the JPA Board staff identifying the project status and recommended that the Board staff reference that letter for the record.

Board Member Sramek asked, since the EIR preparation is almost over, if there are plans for any future meetings when the EIR comes out and if it will be covered in the budget.

Executive Director Thiessen responded that there are funds in the budget to conduct enough meetings as necessary, that the costs are in the contingency budget.

Knatz moved, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Knatz, Lytle, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

VII. Distribution of Funds

Executive Director Thiessen recommended that the governing Boards authorize distributions of \$4 MM to the joint ventures of Port of Los Angeles and the Port of Long Beach in the amount of \$2 MM each based on the estimated revenue and a \$1.9 MM balance. This would leave a carry-over budget of \$2.6 MM for the fiscal year 2012 – 2013.

Knatz moved, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Knatz, Sramek, Lytle
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

XI. Progress/Status Report on preparation of the Environmental Impact Report of the proposed modernization project

Joint Powers Authority Staff Richard Cameron provided an update on the status: In November 2011 the Board considered transitioning the AQMD out of a consulting role and having Environ take that over. The JPA has moved forward with Environ taking the lead as a consultant for preparation of the document. Analysis has been mostly completed but some delays have arisen and are described as follows:

Release of the Draft environmental Impact Report for the proposed nearby SCIG railroad enabled JPA staff an opportunity to review some of the comments that had come out in the public comment period. Some questions about the baseline, i.e. updates to modeling and data sources to be considered.

The JPA recommended and consulted with Union Pacific to do updates consistent with what the Port of Los Angeles was going to be doing with the Draft Environmental Document for the SCIG Project. This took time to determine how the separate projects were similar and what the JPA could implement.

The JPA has been working with Union Pacific in order to collect data and update the information related to those changes and to ground truth the information. Then the data was given to Environ for re-analysis.

The current status of the Environmental Impact Report is that the Draft Environmental Document is being updated with the changes the JPA has decided were important. The current goal schedule is to have a draft for public review in Spring 2012.

Board Member Knatz asked if Union Pacific has provided all of the data needed to complete the EIR.

JPA Staff Cameron stated that they have been provided with approximately 95% of the data

Board Member Knatz stated her confusion as to how the schedule relates to a letter received from Union Pacific Railroad regarding the schedule of the facility, events overtaking them, and the analysis becoming stale. (The Union Pacific Railroad letter states that they anticipate expansion or modernization of the facility to commence in 2017.)

JPA Representative Cameron responded that they are still looking at the letter and how it relates back to the construction schedule. He stated that the JPA has not had an opportunity to determine what it truly means as far as changes go and if it indicates significant delays or not.

JPA Representative Cameron responded to the Santa Teresa question from the beginning of the session. He believes that prior to the 2011 JPA Board meeting during the testimony a Ms. Andrea Hricko brought up Santa Teresa and provided the JPA staff with a lot of information. He said that the JPA staff is using that information currently as part of consideration of the Draft Environmental Document preparation.

Board Member Sramek invited Union Pacific to make any comments.

Executive Director Thiessen expanded on the aforementioned letter's contents. The letter was received the previous day from Union Pacific Railroad and commented on the Santa Teresa Facility. The Santa Teresa Rail Project is in New Mexico and is a facility on the Sunset Route between Los Angeles and Texas and is a major improvement to Union Pacific's network.

Vice President of Public Affairs at Union Pacific Scott Moore responded that the letter is in response to a request about Santa Teresa and ICTF.

Board Member Knatz asked Mr. Moore if Union Pacific was going to provide the information necessary in order to finish the EIR. Board Member Knatz also wanted to ensure that Union Pacific still wants the Board to pursue and finish the EIR.

Mr. Moore agreed that he absolutely wants that. He acknowledged that there is confusion about the Santa Teresa impact. Santa Teresa has three components to it:

- The fueling facility, which is moved to El Paso, Texas
- Build another ramp to replace the one that's in El Paso and New Mexico
- Reassigning traffic coming from LA and LB

President of Jobs First Alliance Baker stated how important this project (ICTF Modernization) is and requested that the JPA Board keep moving it forward as fast as possible.

Audience member Tommy Faavae stated his support of the ICTF modernization project and that railroad infrastructure is needed in both Ports. He believes this project should be moved forward aggressively.

President of the West Long Beach Neighborhood Association John Cross stated his community's adamant opposition to the expansion of the ICTF terminal due to noise and pollution concerns. He stated his belief that the governing Board should be controlling the project and Union Pacific. He is scared for the future of the project and what will happen with a new Board and director. Mr. Cross is worried that Union Pacific will be able to continue with the project as they see fit, and that the projected growth will not be reached, thereby negating the positive aspects for the community. He requested that the Board require Union Pacific to clean up the railyard. He expressed concerns that regardless of conditional uses put upon Union Pacific, in the future they will no longer follow those conditions because there will be no enforcement. Mr. Cross stated his belief that the Beat the Canal program will not work because the Chinese government will control the canal.

West Side Counsel Representative Rivera stated his opposition to the project and his disappointment that the City of Carson does not have representation at this meeting. He stated his anticipation of being shut down due to an inundation of traffic. He further stated that this will be a nightmare for all Long Beach businesses; that this will shut down all business on the West Side.

Lytle moved to receive the staff update, Sramek seconded, carried by the following vote:

Ayes:	Board Members:	Knatz, Sramek, Lytle
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

VIII. Third party independent EIR Review

Executive Director Thiessen stated Ascent Environmental, Inc. was selected to perform third party, totally independent quality review and oversight in assistance to the JPA staff. To be chosen, Ascent Environmental met the following three criteria:

- Possession of necessary technical expertise

Do not work for either of the Ports or the railroad
Do not work for either of the current consulting firms

Lytle moved, Knatz seconded, carried by the following vote:

Ayes:	Board Members:	Sramek, Lytle, Knatz
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

IX. Proposal to amend the contract with Environ International

Executive Director Thiessen said Environ is performing the bulk of the preparation of the Draft Environmental Document

Knatz moved, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Knatz, Lytle, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

X. Proposed amendment to a contract with E2 ManageTech

Executive Director Thiessen stated E2 ManageTech is providing project management services for JPA staff, everything from review of and managing the administrative invoicing work, providing project management and technical input on the preparation of the document, and helping the JPA to produce all the documents.

Knatz moved, Lytle seconded, carried by the following vote:

Ayes:	Board Members:	Lytle, Knatz, Sramek
Noes:	Board Members:	None
Absent:	Board Members:	Miscikowski

Adjournment

The meeting was adjourned at 7:11 p.m.