

MINUTES OF A SPECIAL MEETING OF THE INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY GOVERNING BOARD HELD AT THE BANNING'S LANDING COMMUNITY CENTER, 100 E. WATER STREET, WILMINGTON, CALIFORNIA, ON WEDNESDAY, MARCH 4, 2009, AT 6:00 P.M.

Board Members present:

S. David Freeman, Port of Los Angeles
Geraldine Knatz, Port of Los Angeles
Nick Sramek, Port of Long Beach
Richard D. Steinke, Port of Long Beach

Board Members absent:

None

Also present:

Sam Joumblat, Port of Long Beach
Doug Thiessen, Port of Long Beach
Thomas A. Russell, General Counsel

CHAIRPERSON FREEMAN PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Sramek moved, seconded by Ms. Knatz and unanimously carried, the minutes of the special meeting of September 3, 2008, were approved.

Chairperson Freeman recommended the minutes of future meetings be summarized.

NEW BUSINESS

1. AMENDMENT TO AGREEMENT BETWEEN THE INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY AND ESSENTIA MANAGEMENT SERVICES LLC FOR PROJECT MANAGEMENT SERVICES - APPROVED.

Communication from Sam Joumblat, Executive Director, dated March 4, 2009, recommending the Governing Board approve the Amendment to the Agreement between the ICTF JPA and Essentia Management Service LLC changing the name of the contractee from Essentia to E2 ManageTech Inc. and authorize the Executive Director to execute the Amendment to the Agreement, changing the name of the

contractee, was presented to the Governing Board.

Ms. Knatz moved, seconded by Mr. Steinke, that the item be approved as recommended. Carried by the following vote:

AYES: Members: Steinke, Knatz, Sramek, Freeman
NOES: None
ABSENT: None

Chairperson Freeman recommended, and unanimously approved by the Governing Board Members, that Agenda Item No. 2 be reviewed after Agenda Item No. 3.

3. RECOMMENDATION TO APPOINT DOUGLAS A. THIESSEN AS EXECUTIVE DIRECTOR – APPROVED.

Communication from Sam Joumblat, Executive Director, dated March 4, 2009, recommending the Governing Board appoint Mr. Douglas A. Thiessen as Executive Director of the ICTF JPA Governing Board, replacing Mr. Sam Joumblat, was presented to the Governing Board.

Mr. Steinke moved, seconded by Mr. Sramek, that the item be approved as recommended. Carried by the following vote:

AYES: Members: Steinke, Knatz, Sramek, Freeman
NOES: None
ABSENT: None

2. PROGRESS/STATUS REPORT ON ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PROPOSED ICTF MODERNIZATION PROJECT – INFORMATION ITEM.

Mr. Ed Rogan, Principal, E2 Manage Tech, gave a presentation on the scoping meeting that was held on February 11, 2009. Mr. Rogan gave an update and schedule overview on the progress of the EIR for the proposed ICTF Modernization Project.

The following individuals spoke regarding the Proposed ICTF Modernization Project:

Carmen Rivera, Interfaith Community Organization
Mary Rubenmaker, Interfaith Community Organization
Maria Trujillo, Interfaith Community Organization
Mary Hernandez, Interfaith Community Organization
George Hulbert, LBUSD Teacher
Evelyn Knight, Interfaith Community Organization
Alan Terwey, Westside Neighborhood Clinic

Geoff Shidler, LBUSD Teacher
Joan Greenwood, Wrigley Area Neighborhood Alliance, Inc.
John Cross, West Long Beach Neighborhood Association
Suzanne Arnold, Hudson School Nurse
Lara Balajadia, Interfaith Community Organization
Chris Bientajado, Interfaith Community Organization
John Thomas
Teresa Trujillo, Interfaith Community Organization
Alexandra Martinez, Interfaith Community Organization, Cabrillo High School
Jesse Marquez, Coalition for a Safe Environment
James Larson, West Side Long Beach Resident
Alina Lazarte, St. Lucy Church
Hilario Balajadia, Jr., St. Lucy Church, Interfaith Community Organization
Martha Cota, Huntington Beach Resident, near Long Beach
Ana (last name not given), St. Lucy School
Elena Rodriguez, West Long Beach Resident
Mary Rubenmaker, Interfaith Community Organization

Public comments referenced on the attached California Deposition Reporters transcription report.

ADJOURNMENT

At 7:50 p.m., Mr. Sramek motioned, seconded by Mr. Steinke, that the meeting be adjourned sine die.

JOINT POWERS AUTHORITY

GOVERNING BOARD

of the

INTERMODAL CONTAINER TRANSFER FACILITY

SPECIAL MEETING

WEDNESDAY, MARCH 4, 2009

BANNINGS LANDING COMMUNITY CENTER,

WILMINGTON, CALIFORNIA

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1 CHAIRMAN FREEMAN: Good evening. If everybody
 2 would have a seat. Thank you.
 3 Please call the roll.
 4 MS. MITCHELL: Mr. Steinke.
 5 MR. STEINKE: Here.
 6 MS. MITCHELL: Mr. Sramek.
 7 MR. SRAMEK: Here.
 8 MS. MITCHELL: President Freeman.
 9 CHAIRMAN FREEMAN: Here.
 10 MS. MITCHELL: Ms. Knatz.
 11 MS. KNATZ: Here.
 12 MS. MITCHELL: We have a quorum.
 13 CHAIRMAN FREEMAN: Thank you.
 14 We have speaker cards for people going to
 15 speak, or how does that process work?
 16 MR. JOUMLAT: Yes, sir, Mr. Chairman, we do.
 17 CHAIRMAN FREEMAN: Could we have a look -- as
 18 far as the business is concerned, let me just make a
 19 comment. These are the most extensive, detailed minutes
 20 I have ever seen in my life. Ah, I think it records --
 21 you know, the jokes are not really funny when they are
 22 printed, and each phrase we utter -- we think it's a
 23 pearl of wisdom, but they don't look all that astute
 24 when printed. Minutes are to summarize, in my view, the
 25 actions that we have taken, and the transcript that is

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1 kept for the meeting is another thing.
 2 I've got to compliment the staff on these set
 3 of minutes. But my reaction, if we're going to
 4 improve these minutes in the future, I think you could
 5 save yourself a lot of time and serve our purposes just
 6 as well by summarizing the significant actions. But we
 7 thank you.
 8 Do I have a motion to approve?
 9 MR. SRAMEK: Move approval.
 10 MS. KNATZ: Second.
 11 CHAIRMAN FREEMAN: All those in favor?
 12 BOARD MEMBERS: Aye (all).
 13 CHAIRMAN FREEMAN: I think most of you are
 14 probably here for item 2. I'm just wondering if we can
 15 take items 1 and 3 and then get into public comment? Is
 16 there any problem with that?
 17 That's yes.
 18 You want to make a presentation on item 1?
 19 MR. JOUMLAT: Very briefly, this action is
 20 administrative in nature. It's, for the most part, a
 21 name change in the contract, as I mentioned to some of
 22 you, is to change the name from Essentia who has been
 23 providing program management services among other things
 24 to the JPA to a new name, E2 ManageTech, which is the
 25 result of two firms merging. We will continue to have

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1 the same group of professionals doing the same thing on
 2 the account, and we would have the same hourly fees and
 3 the fee contract amount. So there is no financial
 4 impact or otherwise.
 5 Therefore, it's requested that the governing
 6 board authorize the executive director to execute the
 7 management action attached to the board minutes.
 8 CHAIRMAN FREEMAN: Any comments on this?
 9 MS. KNATZ: I move it.
 10 MR. STEINKE: Second.
 11 CHAIRMAN FREEMAN: All in favor?
 12 BOARD MEMBERS: Aye (all).
 13 CHAIRMAN FREEMAN: We'll take item 3 for the
 14 moment.
 15 MR. JOUMLAT: Item 3 is, given the workload
 16 and the loss of key personnel in my division at the Port
 17 of Long Beach, I find myself prepared to resign as the
 18 executive director of the JPA. I recommend the
 19 governing board appoint Mr. Doug Thiessen, engineering
 20 management director at the Port of Long Beach, to
 21 replace me here.
 22 CHAIRMAN FREEMAN: What if we don't accept your
 23 recommendation?
 24 MR. JOUMLAT: Then I'm stuck.
 25 CHAIRMAN FREEMAN: That sounds like a pretty

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1 good option to me -- add to that, he's doing a great
 2 job, but you don't like the job?
 3 MR. JOUMLAT: Thank you. I do. I have
 4 enjoyed it. It's been my pleasure to serve the board.
 5 But it's executive demands at my day job that is
 6 compelling me to make this request.
 7 MS. KNATZ: So Doug has lots of free time?
 8 MR. STEINKE: I would just say, given the
 9 changes in his responsibilities as we move forward, I
 10 think that Mr. Thiessen is well positioned to be the
 11 executive director. And Sam has done a great job, but
 12 his other job as CFO at the Port of Long Beach and the
 13 increase in some of the challenging times that we have,
 14 so I think that I would make a motion that we accept
 15 Doug Thiessen as staff.
 16 MR. SRAMEK: I'll second.
 17 I also want to thank Sam for being our man in
 18 action, so thank you. And I also agree that we're
 19 really moving into a different part of the program.
 20 We're moving into the EIR and engineering parts of it,
 21 so I think Doug is well positioned to do that.
 22 CHAIRMAN FREEMAN: Greater insight of our
 23 colleagues.
 24 MS. KNATZ: He used to work for me, so I know.
 25 I would say, yes, he's a good pick.

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1 CHAIRMAN FREEMAN: Very good. So we have a
 2 motion and a second.
 3 All in favor?
 4 BOARD MEMBERS: Aye (all).
 5 CHAIRMAN FREEMAN: Okay. That does take us,
 6 apparently, to the main business. Is there a
 7 presentation that the staff needs to make here?
 8 MR. JOUMLAT: Yes. Mr. Ed Rogan, principal in
 9 Essentia, will be making the staff presentation.
 10 MR. ROGAN: Good evening. I'm Ed Rogan with
 11 Essentia, now E2 ManageTech.
 12 THE REPORTER: I don't think anything's on.
 13 MR. ROGAN: Good evening.
 14 THE REPORTER: There.
 15 MR. ROGAN: I'm Ed Rogan now with E2
 16 ManageTech. We have a very brief presentation, a couple
 17 of slides summarizing the scoping meeting we just had a
 18 couple weeks ago -- three weeks ago actually tonight. A
 19 little bit of general progress and a schedule overview,
 20 and then we'll just open it up for questions.
 21 As I mentioned, we had a scoping meeting on
 22 February 11th, three weeks ago tonight, generally in the
 23 middle of the review period during which the Notice of
 24 Preparation about the project, the initial study was
 25 circulated for review -- public and agency review during

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1 the period of January 9th to February 25th. This
 2 comment period just closed last Wednesday, and those
 3 comments have been summarized and provided to the AQMD
 4 who is preparing the EIR as most people in the room
 5 know.
 6 The goal and purpose was to procure comments
 7 from the agencies and the public to aid in focusing and
 8 directing the overall emphasis of the EIR. It was held
 9 at the Stephens Middle School. We had a total of 37
 10 speakers. It turned out that 28 of them expressed
 11 concerns about the project, and 9 of them expressed
 12 support for the project.
 13 The comments, the summary -- actually the
 14 transcript of the comments will be posted on the Web
 15 site for those 37 speakers so they can see what
 16 specifically they said.
 17 What I should summarize here is a couple of
 18 quick slides with an excerpt with some literary
 19 licensing highlighted some things like asthma problems
 20 will be compounded, jobs will be created, value of homes
 21 will go down, et cetera. You can read these for
 22 yourself, and the entire comment will be provided in the
 23 summary that is on the listing that is provided on the
 24 Web site.
 25 Continuing on with the services to try to give

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1 people the flavor of what was discussed that evening,
 2 near-dock is not the answer, need more on-dock capacity
 3 and utilization, commendable use of green technology,
 4 very significant negative traffic issues, investment in
 5 infrastructure benefits the economy, and we need more
 6 done right now.
 7 So that again, I just wanted to provide a
 8 flavor for those of you who could not make it to the
 9 meeting three weeks ago to see what kinds of things we
 10 were listening to. I thought the evening went very well
 11 and very well presented by the different speakers.
 12 And an issue that is always on the agenda at
 13 these meetings is the overall schedule. For those of
 14 you who might recall, the general schedule published
 15 probably six or nine months ago when we first started
 16 the project, was to complete the bottom line item there,
 17 the ICTF-JPA consideration of the Final EIR in November
 18 of '09. We are approximately one month behind schedule
 19 right now, which isn't as bad as it seems because we
 20 utilized about eight to ten weeks late last year trying
 21 to make sure this project was being evaluated
 22 consistently with the SCIG project.
 23 So the alternatives and the transportation
 24 assumptions, the cumulative analysis, which is totally
 25 logical that we would sit down for a little while and

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1 make sure that everybody was on the same page since
 2 these two facilities are relatively close to each other.
 3 So there was about an eight- to ten-week period where
 4 the AQMD, as the consultant for the JPA and the Port of
 5 L.A. on the state side, sat down, and technical people
 6 from both within the ports and on the consultant team
 7 generated consistent assumptions that we can both use.
 8 So the good news is we had about eight to ten
 9 weeks that we did that, but we're trying to manipulate
 10 different things to make sure we only lose about a month
 11 in total. The AQMD is being very cooperative in trying
 12 to expedite things they can. They began turning in
 13 draft chapters for us to review and pass along to the
 14 JPA staff and technical staff at either port, so they're
 15 working very well with us to try to keep this thing
 16 moving toward that November/December time frame.
 17 CHAIRMAN FREEMAN: Let me just stop you a
 18 second. What is the target date for getting the Draft
 19 EIR out to the public for comment?
 20 MR. ROGAN: July of this year.
 21 CHAIRMAN FREEMAN: That's a firm date?
 22 MR. ROGAN: Yes, sir. We're in the process of
 23 we certify. Mid-April have a Draft EIR --
 24 administrative draft for the port staff to look at, get
 25 the document together, and send it out in -- we're

1 looking at July and August for the public review period,
 2 publishing the document approximately June 30th for the
 3 public period.
 4 CHAIRMAN FREEMAN: Okay. That's really the
 5 date that's most crucial will be under your control.
 6 MR. ROGAN: Yes, sir.
 7 CHAIRMAN FREEMAN: You're saying that we will
 8 almost certainly have a draft out in July of this year?
 9 MR. ROGAN: That's the current plan.
 10 CHAIRMAN FREEMAN: That will be very important.
 11 Go ahead.
 12 MR. ROGAN: Yes, sir. The April review draft
 13 within the port and the JPA staff is July and August
 14 public review period. We're trying to schedule -- we're
 15 right now scheduling a public review meeting in August,
 16 giving people about 30 days to look at the document and
 17 be prepared to come and offer comment. Publish the
 18 Final EIR in November of '09, and have the ICTF board
 19 consider the document.
 20 CHAIRMAN FREEMAN: Well, with all due respect,
 21 we can control the dates you finish the draft. Dates
 22 after that are going to depend upon comments and upon
 23 this body, so we won't hold you responsible for this.
 24 But we will hold you for getting the draft out in July.
 25 MS. KNATZ: Are we going to have some sort of

1 Just to remind everyone, we do have a Web site
 2 dedicated to the project. We regularly post calendars,
 3 meeting notices. You can sign up and put your e-mail
 4 address if you have one, and you'll get automatic
 5 notices of meetings like this or other publishing of
 6 documents on the Web site. And at the bottom of the
 7 slide or the bottom of the handout that everyone should
 8 have been able to get out front is the phone number for
 9 Mr. Greg Alexander sitting over here in the corner, and
 10 the actual if you want to submit a question to the Web
 11 site, either to myself or Greg or either one that are
 12 answering the questions.
 13 With that, that's the general update on where
 14 we are.
 15 CHAIRMAN FREEMAN: Thank you.
 16 MR. ROGAN: You're welcome.
 17 CHAIRMAN FREEMAN: Anybody have any questions?
 18 I think we're now open for public comment. Is
 19 there some order here?
 20 MR. THIESSEN: Mr. Chairman, we've received a
 21 number of speaker request cards from the audience,
 22 probably 20 to 25. We generally go through them in the
 23 order we received them, call the names.
 24 We would request the speakers limit their
 25 comments to three minutes in consideration of the rest

1 preview before July on what we're talking about in terms
 2 of mitigation and what's going to be in the document?
 3 MR. ROGAN: We -- the board --
 4 MS. KNATZ: Yeah.
 5 MR. ROGAN: -- or the public?
 6 MS. KNATZ: A preview of what we're coming out
 7 with.
 8 MR. ROGAN: That was not planned. The plan was
 9 to submit the document through the two ports and the JPA
 10 staff for review and then issue it for public comment.
 11 I'm open to suggestions if you're willing to have a
 12 sit-down session where we can present to you
 13 individually what the document looks like and the
 14 alternatives that are being considered, but I don't --
 15 CHAIRMAN FREEMAN: Work within the limits of
 16 the law.
 17 MR. ROGAN: Yes. That was my concern. I was
 18 looking towards Mr. Russell because I'm not sure that a
 19 private viewing of the document . . .
 20 MS. KNATZ: I thought we had talked earlier
 21 when you expressed the thought that there had been some
 22 discussion of mitigations for this project, so . . .
 23 MR. ROGAN: I don't recall that.
 24 MS. KNATZ: Maybe I'm wrong.
 25 MR. ROGAN: I think that -- last slide.

1 of the audience because they may want to speak about.
 2 The first card I received is a little difficult
 3 to read the handwriting, but the street address is 1531
 4 West Summit Street in Long Beach, California. It may be
 5 Carmen. Would you please come forward to the
 6 microphone, please. And following that speaker will be
 7 Mary Rubenaker of Sacramento, California, and the third
 8 would be Maria Trujillo of Long Beach, California.
 9 CHAIRMAN FREEMAN: We ought to be sensitive to
 10 protecting the privacy of people, and I prefer you not
 11 read out anyone else's address.
 12 MR. THIESSEN: Okay.
 13 MS. RIVERA: Hi. My name is Carmen Rivera. I
 14 live here in Long Beach. I have kids, and I come here
 15 for my house. For long time 30 -- 12 years -- the kids
 16 for the asthma, I coming in here. Now working but the
 17 cost of medicine for my asthma. My kids -- my
 18 grandkids, my three grandkids now is very kids with
 19 asthma. Now, they're supposed to go outside for playing
 20 in my yard for my asthma. Outside is very, very scary.
 21 For even in here, and you're breathing in here
 22 what in the night for the very smoking -- it makes
 23 possible -- the eyes hurt. Now, it's over. It's over.
 24 I was reading in the pollution. It said what happened
 25 to the 200 people? We need to move. Why? Really why

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1 for the same people for my -- my neighbors leaving
 2 because the house is not comfortable now. The kids --
 3 everybody in the -- my neighbors living in Long Beach
 4 for the asthma. My friends -- many passed away -- four
 5 friends from the asthma. Please help.
 6 No need to tell me we need more jobs. The
 7 economy is still bad. No need to tell me there is a
 8 need for more jobs. Thank you. (Unintelligible) was my
 9 friend, he still . . .
 10 CHAIRMAN FREEMAN: Thank you.
 11 MS. RIVERA: Thank you.
 12 CHAIRMAN FREEMAN: I'm going to make these
 13 comments. The mask makes a symbolic point. The way it
 14 is designed, I just want to say to you, it's very hard
 15 to hear what you have to say with your mask on. I just
 16 make that comment to try to be helpful. You can proceed
 17 any way you like.
 18 MS. RUBENAKER: Thank you. I'll get rid of it.
 19 First of all before I begin, I wanted to know
 20 if there's any translator or if it's possible because, I
 21 think, by law if anybody here doesn't speak English,
 22 then is it possible that we could have for them to
 23 understand what I have to make a point across. If
 24 that's okay?
 25 MR. THIESSEN: I don't believe we have a

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1 translator present.
 2 MS. RUBENAKER: We have one if anybody is here
 3 that would need to translate for us here on the behalf
 4 of our community in Long Beach.
 5 MR. THIESSEN: If the board is pleased to
 6 accept that translation.
 7 CHAIRMAN FREEMAN: It's fine with us.
 8 MS. RUBENAKER: Just so they would know also
 9 what I'm trying to make a point across as well. I think
 10 it would be best. Okay.
 11 SPANISH TRANSLATOR: I can do it.
 12 MS. RUBENAKER: Okay. Hello, my name is Mary
 13 Rubenaker. I have two boys. My oldest goes to Cabrillo
 14 High School, and my youngest son goes to Hudson.
 15 I'm here to voice my concerns on behalf of the
 16 community of Long Beach as well as everybody present
 17 with the concerns with the ICTF expansion. I ask, Is
 18 all the money for the expansion worth my son's health?
 19 My youngest son has chronic asthma, and this is one of
 20 the reasons why I bring my son's inhaler. He has six
 21 medications altogether in addition to this (indicating).
 22 We came from West Covina; I'm a single parent.
 23 And once I got here in the year 2005, my youngest got
 24 pneumonia due to the air quality that we're breathing
 25 here in Long Beach. I'm asking for both my sons to have

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1 a chance for clean air and to stop the railroad
 2 expansion. Again, my youngest son is only nine years
 3 old, and he does not weigh more than 60 pounds.
 4 And also again, I have here a card on behalf of
 5 all the community that are voicing their opinions as
 6 well. Thank you.
 7 CHAIRMAN FREEMAN: Thank you for coming.
 8 MR. THIESSEN: Next speaker is Maria Trujillo.
 9 MS. MARIA TRUJILLO: Good evening. My name is
 10 Maria Trujillo, and the reason that I'm here is because
 11 of my daughter, and my daughter has asthma. She got
 12 asthma when she was five months. And up to now I've
 13 been really struggling with her and her health.
 14 I'm opposed to the expansion project because of
 15 the health of my daughter, and not just for -- because
 16 of my daughter, but everybody else is suffering because
 17 of it. This is my daughter.
 18 MS. ALEXIS TRUJILLO: Hi, my name is Alexis. I
 19 go to Stephens Middle School. And P.E. is cut off for
 20 us because it's kind of hard to breathe because of the
 21 bad air. So many kids in my school have asthma, and
 22 many of them have to carry inhalers, but it is tough for
 23 us to do too many activities because of the bad air.
 24 And what I want is to have clean air, so we can do more
 25 things and more activities. I'm just asking you guys to

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1 please give us more clean air, please. Thank you.
 2 CHAIRMAN FREEMAN: Thank you.
 3 MR. THIESSEN: The next speaker is Mary
 4 Hernandez.
 5 And Mr. Chairman, we do have a translator
 6 available, Cecelia Moreno, who is made available if
 7 other translators are needed, or you know.
 8 Following Mary is George Hulbert.
 9 MS. HERNANDEZ: My name is Mary Hernandez. I
 10 live at the west side of Long Beach. I live where the
 11 terminal island freeway, south of Willow, and there's
 12 Webster and Hayes. I live on Hayes.
 13 I have a problem with my arteries, heart
 14 disease, and sometime the smells are awful. But the
 15 thing is, is the trucking coming. I can hear all the
 16 time the terminal island freeway. But when the -- when
 17 you put the facility in, they're going to be idling, and
 18 the smell is terrible when they're idling, and they
 19 smell so much.
 20 And the thing is -- the problem is -- and
 21 there's also the trains. Sometime I hear them at night,
 22 clinking together, banging together. Can you imagine
 23 how it's going to be when you have this facility?
 24 Terrible.
 25 I take about ten medications now. I've been

