

**MINUTES OF THE REGULAR MEETING OF THE
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
TUESDAY, APRIL 15, 2008, 5:30-8:00 P.M.
CROWNE PLAZA/LA HARBOR HOTEL
601 S. PALOS VERDES STREET
SAN PEDRO, CALIFORNIA**

ATTENDEES

Jayne Wilson, PCAC Co-Chair
Joe Gatlin, Voting Member, Central San Pedro Neighborhood Council
Richard Havenick, Alternate for Peter Warren, Coastal San Pedro Neighborhood Council
Arthur Hernandez, Alternate for Dennis McCarbery, Wilmington Neighborhood Council
Donna Ethington, Voting Member, Wilmington Neighborhood Council
Richard Pavlick, Voting Member, Crescent Area Resident's Association
June Burlingame Smith, Voting Member, Point Fermin Resident's Association
Janet Gunter, Alternate for Noel Park, S.P. & Peninsula Homeowners Coalition
Andrew Mardesich, Voting Member, S.P. & Peninsula Homeowners Coalition
Dr. John Miller, Voting Member, S.P. & Peninsula Homeowners Coalition
Lucy Mejia, Voting Member, Wilmington Citizen's Committee
Chuck Hart, Voting Member, At-Large (S.P.)
Frank Herrera, Voting Member, Wilmington Community Advisory Committee
Eleanor Montano, Voting Member, Wilmington Community Advisory Committee
Gary Kern, Voting Member, Wilmington Community Advisory Committee
William Lyte, Voting Member, Harbor Association Industry & Commerce
Michael Sanborn, Alternate for Patrick Wilson, Wilmington Chamber of Commerce
Kenneth Melendez, Voting Member, Wilmington Commercial District
David Beeman, Voting Member, ILWU Local #13
Olivia Cueva Fernandez, Voting Member, Education At Large
Lanny Nelms, Voting Member, At-Large

ABSENTEES

Peter Warren, Voting Member, Coastal San Pedro Neighborhood Council
Joeann Valle, Voting Member, Harbor City Neighborhood Council
Pat Nave, Voting Member, Northwest San Pedro Neighborhood Council
Dennis McCarbery, Voting Member, Wilmington Neighborhood Council
Noel Park, Voting Member, S.P. & Peninsula Homeowners Coalition
Anthony Misetich, Voting Member, Harbor Association Industry & Commerce
Mark Waronek, Voting Member, Harbor City/Gateway Chamber
Frank O'Brien, Voting Member, L.A. Harbor/Watts EDC
James Cross, Voting Member, San Pedro Peninsula Chamber of Commerce
Michelle Grubbs, Voting Member, Pacific Merchant Shipping Association
Patrick Wilson, Voting Member, Wilmington Chamber of Commerce
Gary Young, Voting Member, Non-I.L.W.U.
Linda Spink, Voting Member, Education, At-Large
Andrew Fox, Voting Member, At-Large

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EXCUSED

Cathy Beauregard, Voting Member, At-Large, S.P.

PORT STAFF IN ATTENDANCE

Thomas Russell, General Counsel

David Mathewson, Director Planning and Research

Kathryn McDermott, Deputy Executive Director, Business Development

- A. **CALL TO ORDER: 5:50PM**
Jayme Wilson, the PCAC Co-Chair called the meeting to order.
- B. **OPENING STATEMENT - AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE (PCAC)**

AS PROVIDED BY THE BROWN ACT, PERSONS IN THE AUDIENCE MAY ADDRESS THE COMMITTEE IN CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC COMMENT PERIODS. THE COMMITTEE, UNDER ITS RULES, SHALL NOT ADJOURN THE MEETING UNTIL ALL MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE COMMITTEE HAVE HAD THE OPPORTUNITY TO DO SO. ANYONE DESIRING TO SPEAK MUST COMPLETE A SPEAKER CARD AND SUBMIT IT TO THE PCAC SECRETARY.

- C. **DETERMINATION OF A QUORUM BY ROLL CALL OF VOTING MEMBERS**
Roll call was taken. There was a quorum of 20 members at roll call.
- D. **APPROVAL OF THE MINUTES OF THE MARCH 18, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING**
ON MOTION OF RICHARD PAVLICK, SECOND BY WILLIAM LYTE, IT WAS RESOLVED THAT THE MINUTES OF THE MARCH 18, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING BE APPROVED WITH THE FOLLOWING AMENDMENT.

ITEM H, PAGE 10, LINE 30, Insert "Port mitigation" to replace "China Shipping Settlement." The line should read, (This is just an addition to the list of possible mitigation measures that could be applied to Port mitigation.) Minutes approved: 18 Ayes, 0 Nays, and 2 Abstentions.

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E. GENERAL PUBLIC COMMENTS (3 minutes per speaker)

Jayne Wilson, PCAC Co-Chair, opened the floor for public comments. There were no speaker cards submitted.

F. REPORTS OF CO-CHAIRPERSON AND PORT OF LOS ANGELES STAFF

1. David Mathewson, Director of Planning and Research, reported:

- The next BHC meeting is scheduled for April 17, 2008, at 8:30AM at Banning's Landing, in Wilmington. There are staff reports for PCAC motions coming forward to the Board at this meeting.

There is a public hearing at this meeting. The Board will consider the issuance of the Coastal Development Permit for the Cabrillo Way Marina Project.

- There will be an Intermodal Container Transfer Facility (ICTF) Joint Powers Authority Board meeting/community outreach meeting for the Union Pacific Modernization Project Proposal, Tuesday, April 22, 2008, at 6:00PM at Silver Auto Park, in Long Beach, 1545 W. 31st Street.
- There will be a Union Solidarity rally at Berth 85 on Thursday, April 17, 2008. There will likely be heavy traffic.
- Deb Babcock-Doherty will be out of the office for the month of May for knee surgery. Arrangements have been made to keep all the meetings running smoothly.

John Miller asked a couple of question regarding the Cabrillo Marina project. The staff summary in the Board report stated that the project had been changed. How has the project been changed since its approval in 2003? Will the 400 dry stack storage spaces, be located in a building or outside? If they are in a building, has that structure design been changed since the approval of the project? (David Mathewson responded. The most significant change in the project is the elimination of the dry stack storage building. The dry stack storage spaces will be outside.)

June Burlingame Smith commented on two issues that were raised in the San Pedro Coordinated Plan Subcommittee meeting on April 9, 2008, with regard to the Cabrillo Marina Design. First, it was not clear as to the location of the public dockage space. Secondly, it was also unclear as to what the accommodations would be for the Youth Sailing Program.

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Richard Pavlick inquired as to the location of the boat launch ramp. David Mathewson stated that this project did not include the boat launch ramp, nor did the original project. There was a study done to look at potential sites. However, there were no sites identified that would feasibly meet the existing capacity. The proposed project will have a continuous waterfront promenade. There will be sufficient public parking. There will be public access from the waterside with transient berthing opportunities, end ties and slips. The Youth Sailing Facility was included in the original environmental document. The Youth Sailing Facility will be worked out with the operators.

2. **Appointment of Subcommittee Chairs / Subcommittee Members**
A revised Subcommittee assignment sheet was distributed with the PCAC agenda. The following amendments were reviewed.
- Peter Warren and Janet Gunter will co-chair the LAN Subcommittee
 - Donna Ethington and Cathy Beauregard will co-chair the Water Quality Subcommittee
 - Patrick Wilson will chair the Traffic Subcommittee
 - Arthur Hernandez requested to be on the EIR/Aesthetic Mitigation Subcommittee and the Wilmington Waterfront Development Subcommittee
 - Joe Gatlin requested to be on the Port Master Plan Subcommittee
 - Andrew Mardesich requested to be on the EIR Aesthetic Mitigation Subcommittee, the Light, Aesthetic and Noise (LAN) Subcommittee and the Port Master Plan Subcommittee

Co-chair Wilson announced that according to the PCAC By-laws, appointed members of the committees would be the voting members of those committees. Appointments to the various committees must follow a formal process in which the appointments are made at a PCAC meeting. Alternate members may stand in when the voting members are absent.

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G. SPECIAL INFORMATIONAL PRESENTATION:

California Energy Commission (CEC) / Transportation Energy & Infrastructure Analysis

Gordon Schremp, the Senior Fuel Specialist at the California Energy Commission gave a presentation on petroleum infrastructure, crude oil transportation products as well as renewable fuel/alternative fuels. The CEC provides an Integrated Energy Policy Report (every two years) to the Governor's office and to the legislature, which reviews the California's energy system and assesses ways to meet the state's growing energy needs while focusing on emission reduction.

Mr. Schremp reviewed the forecast for the Port's demand for both crude oil and transportation products, including renewable fuels. In addition, he provided insight into what Increasing renewable fuels may have on the imports/exports of crude oil and transportation products.

Crude oil imports will continue to increase in California because California production continues to decline. The demand for transportation fuels is driven by population, which will also drive the demand for a continued increase in renewable fuels.

Committee Queries and Concerns:

- Forecast analysis/ factoring in the demand based on the cost of oil
- Southern California's economy, dependent upon the marine oil terminals at Port of LA, Port of LB and El Segundo
- The impact a catastrophic event would have on the Southern California economy
- The CEC's recommendation to the Governor and to the Legislature regarding an additional import facility in Southern California
- In the Energy Policy Report/studies on the effects of cost for gas/oil have on product demand
- Study the cost of gas and its effect on the economy; provide vital data to Legislative Government
- Fuel transport/crude oil and natural gas pipelines
- Feedstock for the local ethanol plants in California
- Infrastructure and emergency preparedness for seismic activity and terrorism

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H. INFORMATIONAL ITEM:

1. The EIR Aesthetic Mitigation Subcommittee adopted this motion on February 28, 2008. The motion was moved by Janet Gunter, Second by Lucy Mejia, and carried with 3 Ayes, 0 Nays, 0 Abstentions, and 2 Recusals.

The EIR/Aesthetic Mitigation Subcommittee recommends to the PCAC that the PCAC recommend to the Board of Harbor Commissioners the East Wilmington Open Space, a Park, Project as a priority project in order to honor the true spirit and intent of the China Shipping Aesthetic Mitigation Settlement.

Skip Baldwin reintroduced the proposal for the East Wilmington Open Space, a Park, project with a PowerPoint presentation. He clarified the existing location and explained that the proposal would create a park and a single parcel of green space to mitigate aesthetic impacts of blight associated with Port cranes, infrastructure, and truck congestion.

The proposed location is at 825 N. Dominguez, East Wilmington, in the middle of a residential neighborhood blighted by a filthy truck yard.

This project meets the criteria for the China Shipping Settlement / Aesthetic Mitigation program for open space and parks, landscaping and beautification. Mr. Baldwin reiterated that this project had been voted the #1 project in the initial stages of the mitigation process. He is asking PCAC to support the project and to help create a park in an area that is in need of mitigation.

Dr. Miller clarified that this project would not remove or interfere with the Foreign Trade Zone. This project helps with the blight in the neighborhood which is a serious off-port impact. Further he stated that this project can be given to the Board of Harbor Commissioners as a potential mitigation for the cumulative impacts of the Port, off-port lands. It is not tied to the China Shipping Settlement. The Port can fund this project without utilizing funds that are already approved for other Wilmington Mitigation Projects.

Ken Melendez stated that he wanted to support this project. His initial

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concern was that it had not been approved by State Lands. He asked that the motion include some wording that would clarify to the Board that in supporting this project, it would not have any impact on or take any funding from the projects that had already been recommended. Further, he stated that Mr. Baldwin should get the support of the neighborhood council and the Wilmington Subcommittee.

Janet Gunter stated that when this project was brought to the Wilmington Neighborhood Council, it had been represented at a council meeting that this project had been paid for or already approved by Councilwoman Hahn's office, which was not true. This presentation is to explain what the project is and to diffuse the confusion that is associated with another greenbelt project from the Council office. The NRDC is working to help us establish a future template for off-port impacts. They have supported this project as the most valuable project because it goes to the issue of mitigating off-port impacts on private property. NRDC and other environmental attorneys have stated that there is a direct nexus, and that there was no excuse for State Lands to disapprove this project.

Michael Sanborn asked for a clarification on the acreage and the design of the park.

Co-chair Wilson asked Mr. Baldwin if he would consider amending the motion and include some language as requested by Mr. Melendez. He stated that he would take it back to his committee for discussion.

Gary Kern raised the concern that if the motion was amended, it would not be available to take back to the respective constituencies for their approval.

Mr. Baldwin clarified some comments that had been made. He also stated that he had been recently informed that the proposal had not yet been resubmitted to State Lands. A request was made to have Teresa Scognamillo, the Port Aesthetic Mitigation Coordinator available for an update at the May PCAC meeting.

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2. **The San Pedro Coordinated Plan Subcommittee adopted this motion on March 12, 2008. The motion was moved by Richard Havenick, Second by Richard Pavlick, and carried with 5 Ayes, 0 Nays, and 0 Abstentions.**

The San Pedro Coordinated Plan Subcommittee (SPCP) moves that PCAC recommend to the Board of Harbor Commissioners that Port staff representatives attend the SPCP Subcommittee and all other PCAC Subcommittee meetings to address and discuss agenda items.

June Burlingame Smith explained that this motion was raised after having a problem with Port staff attendance at the Coordinated Plan Subcommittee meeting. There was no communication with the committee that Port staff had conflicting meetings and would be delayed. The committee needs Port staff at these meetings and if for some reason they are delayed or can't make a meeting, they should notify the Committee Chair or the Secretary.

3. **The San Pedro Coordinated Plan Subcommittee adopted this motion on April 9, 2008. The motion was moved by Richard Havenick, Second by Richard Pavlick, and carried with 4 Ayes, 0 Nays, and 1 Abstention.**

The San Pedro Coordinated Plan Subcommittee (SPCP) moves that PCAC recommends that the Board of Harbor Commissioners (BHC) direct Port staff to implement the original Ports O' Call Enhancement Project.

Ms. Burlingame Smith explained that the Board of Harbor Commissioners approved a package of five enhancement projects in September 2006. Four of those projects are moving forward. The Ports O' Call enhancements are not. This raises many concerns, one of which is the idea of moving forward on enhancements that were planned to compensate for various losses at POC (i.e. parking at 22nd Street). There is also concern that the Port might like to turn the whole thing over to a developer to design a new plan. Ports O' Call enhancements should go forward as vetted through the community.

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Gordon Teuber, from Councilwoman Hahn's office stated that he was uncomfortable with some statements that were written in a Chair Report regarding the Enhancement Projects to PCAC. He felt that his comments had been taken out of context.

4. PCAC By-laws (Potential Amendments)
ARTICLE V - QUORUM, VOTING, PARLIAMENTARIAN AUTHORITY

Section 501. Quorum

~~A minimum of fifty percent (50%) of the current number of voting members of the Committee shall constitute a quorum for purposes of conducting the business of the Committee at regular or special meetings.~~ ***A majority of members shall constitute a quorum and who must be present for business to be legally conducted. The quorum refers to the number of such members present, not to the number actually voting on a particular question.***

Section 502. Voting

~~All Committee actions, unless otherwise stated in these by-laws, shall be by majority vote of the members present at a regular or special meeting at which a quorum is present.~~ ***Motions, propositions and resolutions must be adopted by a majority vote of members present and voting in a properly called meeting where a quorum has been declared is present. The Board member PCAC Co-Chair shall abstain not from voting vote on any recommendations or other actions taken by the Committee, EXCEPT to break a tie. Alternates shall not vote when their designated voting member is present at the meeting. No proxy votes shall be allowed. From time to time issues may be presented to the Committee for discussion or action by the Committee in which a voting member may have a conflict of interest as defined under State of California and local law. Should a conflict arise, the affected member is prohibited by law from participating in the discussion or in any decision of the Committee on the issue. The City Attorney will review conflict issues on a case by case basis and shall advise the affected member and Committee.***

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Ms. Burlingame Smith explained that there were two basic issues that needed to be addressed in the PCAC By-laws. One of which was the adoption of a quorum, changing it to a majority of members who are in attendance.

Gary Kern asked for clarification on the difference between a majority of members present and what the old by-laws represent.

Jayne Wilson explained that the old by-laws refer to voting members, and that if someone chooses not to vote, then they would not count in the 50% majority, and could initiate the loss of a quorum. The proposed amendment refers to the majority of the members present, not necessarily voting on a specific item. This enables the committee to still take action. This amendment will resolve the issue of an abstention being counted as a no vote. Presently, there is simply no way for a member to legitimately exercise his/her right to abstain from voting.

Jayne Wilson further explained that a committee had been appointed to sit with David Mathewson and City Attorney Thomas Russell to discuss the most beneficial way to address this problem. As a Chair of the committee, Mr. Wilson's abstention is always counted as a no vote. The amendment would require a two-thirds vote. There was further discussion.

Ms. Burlingame Smith explained that the purpose of amending Section 502 clarifies the issue of recusing oneself from voting, and under the Brown Act it complies with City policy.

Mr. Wilson further explained that the intent was to do what the body requested. He also clarified that a subcommittee would have to have a quorum of its members in order to take any action.

This item will come back to PCAC for action in May.

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I. SUBCOMMITTEE REPORTS

- 1. Port Master Plan Subcommittee – No Report**
- 2. Air Quality Subcommittee: A written report was distributed.**
- 3. San Pedro Coordinated Plan Subcommittee: A written report was distributed.**
- 4. Water Quality Subcommittee**
Donna Ethington encouraged members to attend the Water Quality Subcommittee. She explained the issues that pertaining to the Dominguez Channel. The committee will also start looking at wet lands restoration projects. The next meeting will be held on Wednesday, April 16, at 6:00PM at the POLA Charter High School.
- 5. EIR/Aesthetic Mitigation Subcommittee**
Dr. John Miller reported that the committee agreed as an administrative action to submit comments on the Wilmington Waterfront Development Project. The letter was sent to all PCAC members. Dr. Miller stated that the committee wrote a letter to the BHC asking them to support the continued funding of South Coast Air Quality Management District's clean fuels program.
- 6. Wilmington Waterfront Development Subcommittee**
Ken Melendez informed the committee that Jesse Marquez had attended their Subcommittee and updated them on discussions regarding the TraPac EIR.

J. GENERAL PUBLIC COMMENT (3 MINUTES PER SPEAKER)

Co-Chair Wilson, opened the floor for public comments.
No speaker cards were submitted.

K. AGENDA ITEMS FOR THE TUESDAY, MAY 20, 2008, PCAC MEETING

- Terminal Efficiency

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- L. ADJOURNMENT:
THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 8:10PM
THE TUESDAY, APRIL 15, 2008 MEETING OF THE PORT OF LOS ANGELES
COMMUNITY ADVISORY COMMITTEE WAS ADJOURNED.**

**Signature on File
Jayme Wilson, Co-Chair
Port of Los Angeles Community Advisory Committee**

**Signature on File
Debra Babcock-Doherty, PCAC Executive Assistant**