

**MINUTES OF THE REGULAR MEETING OF THE
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
TUESDAY, SEPTEMBER 16, 2008, 5:30-8:00 P.M.
BANNING'S LANDING
100 E. WATER STREET
WILMINGTON, CA 90744**

ATTENDEES

Jayne Wilson, PCAC Co-Chair
Carrie Scoville, Alternate for Joe Gatlin, Central San Pedro Neighborhood Council
Peter Warren, Voting Member, Coastal S.P. Neighborhood Council
Philip Nicolay, Alternate for Pat Nave Northwest San Pedro 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
Kathleen Woodfield, Alternate for Andrew Mardesich, 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
Gary Kern, Voting Member, Wilmington Community Advisory Committee
Eleanor R. Montano, Voting Member, Wilmington Community Advisory Committee
William Lyte, Voting Member, Harbor Association Industry & Commerce
Donald Norton, Alternate for Anthony Misetich, Harbor Association Industry & Commerce
Patrick Wilson, Voting Member, Wilmington Chamber of Commerce
Kenneth Melendez, Voting Member, Wilmington Commercial District
Olivia Cueva Fernandez, Voting Member, Education At Large
Andrew Fox, Voting Member, At-Large

ABSENTEES

Joe Gatlin, Voting Member, Central San Pedro Neighborhood Council
Joanne 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
Andrew Mardesich, Voting Member, S.P. & Peninsula Homeowners Coalition
Cathy Beauregard, Voting Member, At-Large, S.P.
Anthony Misetich, Voting Member, Harbor Association of Industry and 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
David Beeman, Voting Member, ILWU Local #13
Gary Young, Voting Member, Non-I.L.W.U.
Linda Spink, Voting Member, Education At-Large
Lanny Nelms, Voting Member, At Large (BHC)

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PORT STAFF IN ATTENDANCE

David Mathewson, Director Planning and Research
Kathryn McDermott, Deputy Executive Director, Business Development
Thomas Russell, General Counsel

- A. **CALL TO ORDER: 5:45PM**
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 19 members at roll call.
- D. **APPROVAL OF THE MINUTES FOR THE JULY 15, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING**
ON MOTION OF ANDREW FOX, AND SECOND BY BILL LYTE, IT WAS RESOLVED THAT THE MINUTES OF THE JULY 15, 2008 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING BE APPROVED. MINUTES WERE APPROVED 18/0/1.

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E. GENERAL PUBLIC COMMENTS (3 minutes per speaker)

Jayne Wilson, PCAC Co-Chair, opened the floor for public comments. The following individuals addressed the committee:

Valen Watson, a San Pedro resident, inquired as to the status of the 22nd Street Park project. She asked if there had been any testing done on the soil prior to the commencement of the project. She stated her concern about the health affects from the dust, and asked the Port if they would take some action to control the dust.

David Mathewson, Director of Planning and Research, stated that he was not aware of any recent soil testing, but that the soil had been tested upon the decommission of the former Unocal Corporation. He stated that he could get back to her on that issue. He provided a status report on the 22nd Street Park project, stating that they had recently uncovered some old foundation piles, remnants of old underground storage tanks, which now requires interaction/approval from the Department of Toxic Substance Control before the Park can be completed.

Ms. Watson concluded with a statement that using the outer harbor for a cruise terminal would impact what little beach San Pedro had left - the only area left in the Bay that had not been relegated to commercial use. The local community deserves to have this last fragile area preserved.

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

David Mathewson, Director of Planning and Research, reported that

- The San Pedro Waterfront DEIR document was scheduled to be released on September 22, 2008, and that the public scoping meeting was scheduled for October 27, 2008, at 6:00PM at the Crowne Plaza/LA Harbor Hotel.
- There were potential plans for a joint meeting with the San Pedro Coordinated Plan, and the EIR/Aesthetic Mitigation Subcommittees. Details will be forth coming.
- There was a special Board of Harbor Commission (BHC) meeting scheduled for September 18, 2008, at 8:30AM at Banning's Landing. Dr.

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Geraldine Knatz will present the San Pedro Waterfront DEIR.

- **Update on PCAC Motions:**

PCAC Motion staff responses to go to the BHC on September 18, 2008:

- **Motion #60 [PCAC be provided outside independent consultants in order to carry out its advisory responsibilities]**
- **Motion #74 [The contracts for the PCAC Air Quality Subcommittee consultants be renewed in August for a period of no less than 24 months]**
- **Motion #81 [Port staff representatives attend the Coordinated Plan Subcommittee meetings and all other PCAC Subcommittee meetings to address and discuss agenda items]**

The BHC approved staff recommendations for the following motions on August 21, 2008:

- **Motion #51 [At such time as the Terminal Island toll district is established and tolls are set, all vehicles with two axles be exempt from said tolls]**
- **Motion #79 [Not grant a temporary or permanent use permit or issue a lease to the Team Sheriff Racing and/or Brotherhood Raceway or any other proposed operator to use the Anchorage Road Soil Storage Site for a raceway]**

The BHC approved staff recommendations for the following motions on September 4, 2008:

- **Motion #72 [Request for quarterly reports to the BHC for shipping terminal projects/other projects whose EIRs involve assumptions or projections of container throughput or numbers of ship calls. The report should detail variances between the actual operational characteristics of projects versus the operational assumptions that were made in the projects' EIRs. The report should include actual TEU throughput/actual ship call numbers versus the projections from EIRs]**
- **Motion #80 [Port provide a clear documented summary on impacts, mitigated impacts and impacts which cannot be mitigated, in all environmental documents]**

Jayne Wilson requested that the PCAC Steering Committee receive copies of the Board Reports 72 Hours prior to the BHC meetings.

- **The Port is soliciting applications for the San Pedro Aesthetic**

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Mitigation Projects, with \$6.6 million available for funding. The deadline to submit proposals was September 22, 2008.

- The Lobster Festival is Friday, Saturday and Sunday, September 19, 20, and the 21st, at Ports O' Call.
- The Port of LA will have a trailer exhibit called "The Transporter" an interactive exhibit of Port activities and its operations, at the LA County Fair, from September 5th through the 28th, 2008.

Donna Ethington stated that the POLA website was not up to date on the BHC Agenda/Transmittals. She was concerned that she was not receiving PCAC e-mail notifications since the Port's new inception of Outlook 2007. Mr. Mathewson stated that the Port was working through the issues that come with this type of transition. Ms. Babcock-Doherty will take immediate action to have the issue remedied ASAP. Meanwhile, call her with any questions at 310-732-3499. As a reminder, the PCAC schedule should also be on the POLA website at www.portoflosangeles.org.

G. INFORMATIONAL PRESENTATION:

POLA Emissions Inventory

Lisa Wunder, from the POLA Environmental Management Division, provided an update presentation on the 2006 POLA Emissions Inventory, which is the last year of our inventory of air emissions before the Clean Air Action Plan measures went into effect. The overall trend is an increase of emissions from 2001 to 2006. Emissions Inventory data can be obtained on the POLA website.

The Committee requested that the number of ship calls and TEUs be included in the inventory, and that the various contamination source categories be better defined.

H. ACTION ITEMS:

The Air Quality Subcommittee adopted this motion on June 4, 2008. The motion was moved by Kathleen Woodfield, Second by Dr. John Miller. The motion carried with 5 Ayes, 0 Nays, and 0 Abstentions.

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MOTION:

The Air Quality Subcommittee recommends that the PCAC request Port staff to put through Motion No. 66 regarding the storage and transport of dredged materials at and to Anchorage Road to the Board of Harbor Commissioners.

Additionally, the PCAC requests timely movement of all previously passed motions from POLA to the BHC for their consideration.

Kathleen Woodfield introduced the motion, explaining the situation in Wilmington, at Anchorage Road, where there was a storage facility for dredged materials, creating negative impacts on the health of the residents and the boaters. The committee was concerned that the original motion that had been adopted back in 2006, to deal with this issue, had not yet been addressed. This was a health issue that needs immediate attention. The PCAC deserves timely responses to their motions.

Dr. Miller spoke in favor of the motion.

PUBLIC COMMENT:

Rick Whearty, a resident of Wilmington, representing the Wilmington Boat Owner Association:

- Spoke in favor of this motion
- Commented on the dust that comes from the dredge material. He questioned LA's inability to dump the material at sea, when Long Beach is already doing it.
- Spoke in opposition of a cruise ship terminal at Kaiser Point
- Stated that the San Pedro Boat Works site should be designated a historical landmark and that it should be reinstated as a boat yard and a marina
- Stated an interest in the Port Everett Development Project

Co-Chair Wilson called for the question. The motion passed 18/0/1.

Co-Chair Wilson explained that the normal protocol for moving recommendations through the PCAC was to present them first as informational items, then 30 days later, as action items.

At the San Pedro Coordinated Plan Subcommittee meeting on September

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10, 2008, the committee learned that the San Pedro Waterfront DEIR would be released on September 22nd, and felt that it was urgent that the following recommendation regarding the LA Working Group Sustainability Plan be brought to the PCAC for immediate action.

Co-Chair Wilson explained that as per the Brown Act, the committee must approve the suspension of the rules by a two-thirds vote, in order to allow the committee to consider this as an action item at this meeting.

Peter Warren explained the importance of the item.

Co-Chair Wilson called for the question. The rules were suspended with a vote of 14 Ayes, 2 Nays, and 2 Abstentions.

Discussion on the Merits of the Action Item:

Peter Warren spoke on the merits of the motion, explaining that the PCAC had passed a motion back in July asking the Port to include and equally co-analyze the LA Working Group Sustainable Waterfront Plan as part of the DEIR. Since then, the Port has not included this alternative. We are requesting an opportunity for equal representation and presentation of this plan in the DEIR process.

June Burlingame Smith stated that they were asking the Port to consider this plan as a viable alternative, so that when the analysis of the DEIR is completed, the Board would see the Sustainability Waterfront Plan as part of the process, in its entirety, not piece mealed.

Dr. Miller pointed out that CEQA requires that the lead agency consider and analyze a broad range of project alternatives. It seems reasonable to ask the Port to consider this plan that enjoys wide community support.

Donna Ethington asked if the Port was opposed to the presentation of the Plan at the public scoping meeting. She also asked for a confirmation that the elements in the Sustainable Waterfront Plan evolved from all the public participation meetings with the design firms of SMWM and Edaw.

Andrew Fox asked Port staff to explain what would become of this plan, if this motion was not approved by PCAC. Port staff responded that this was

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a PCAC action, and that they would take the PCAC action back to the Executive management for consideration. Further, the Port has discussed the consideration of a number of these elements in the alternatives, and obviously, the PCAC has a different viewpoint from that of the Port. Kathleen Woodfield spoke in favor of the motion and reminded the committee that this plan was not a new plan. Through no fault of the PCAC Committee, this plan has been made available to the Port all along. In addition, the motion does not in any way, slow down or interfere with the EIR process. The request is for a 20 minute period at the public scoping meeting to present the plan to the public.

Mr. Warren stated that the Sustainable Waterfront Plan had been presented to Councilwoman Janice Hahn, Commissioner, David Freeman, and to the Port of Los Angeles, Executive Director, Dr. Geraldine Knatz. The plan includes bus and rail linkages to Long Beach and to Wilmington, that would increase public transit to and from the waterfront, thereby reducing the amount of required parking/keeping parking away from the waterfront.

Co-Chair Wilson read the following motion.

EMERGENCY/ACTION ITEM:

The San Pedro Coordinated Plan Subcommittee adopted this Resolution on September 10, 2008. The Resolution was moved by Peter Warren, Second by Frank O'Brien, and carried with 5 Ayes, 0 Nays, and 0 Abstentions.

RESOLUTION:

WHEREAS the San Pedro Waterfront Plan will have significant impacts on neighborhoods, businesses, traffic, light, noise, recreation, waterfront access and aesthetics, and;

WHEREAS a cruise ship development at Kaiser Point will also significantly affect air quality, and have major impacts on the economy of downtown, and;

WHEREAS the PORT through the project, can demonstrate leadership in the fight against global warming by reducing green house gases through smart transportation programs and alternative energy uses, and;

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WHEREAS the Port has chosen not to include the PCAC recognized Sustainable Waterfront Plan, which accomplishes all of the above, as a project alternative in the DEIR,

THEREFORE be it resolved that the Port designate 20 minutes during the Waterfront DEIR Hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and;

BE IT FURTHER resolved that the LA Working Group be allowed to present its plan to the public via the PORT email list and have it posted prominently on the PORT website, with links from the Waterfront DEIR page.

Co-Chair Wilson called for the question. The Resolution carried with 17 Ayes, 0 Nays and 2 Abstentions.

June Burlingame Smith thanked the committee for their support and reiterated the fact that the work and the participation of the PCAC and the community was heart felt and that hopefully the Port would see it that way.

I. INFORMATIONAL ITEMS:

- 1. The Light, Aesthetics and Noise Subcommittee adopted this Resolution on July 14, 2008. The Resolution was moved by Janet Gunter, Second by Carrie Scoville, and carried with 4 Ayes, 0 Nays, and 0 Abstentions.**

RESOLUTION:

WHEREAS the documents are lengthy, have enormous detail and complexity, and there are numerous DEIRs pending, and;

WHEREAS the public is entitled to sufficient time to provide informed and meaningful comments,

THEREFORE be it resolved that all DEIR comment periods be a minimum of 90 days to allow for comment from the public and for the PCAC process.

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Peter Warren introduced the item and explained that with the overlap of upcoming DEIRs, a minimum of 90 days for the comment periods was a reasonable request.

J. SUBCOMMITTEE REPORTS

1. Air Quality (A written report was distributed.)

Kathleen Woodfield reported that in August, the Port's Ocean Going Vessels Incentive Program was presented. The Port subsidizes the cost of low sulfur fuel in ships. This is a one-year program that currently has about 25% participation.

The Port's 2006 Emissions Inventory was presented. Emissions are up, and have accelerated at a slower rate than growth. The subcommittee expressed concern that construction emissions were not included in the inventory.

In September, the committee was presented with an update on the Air Quality Monitoring Program. Many monitoring stations were in Long Beach. Stations were expected to be termed after one year, unless particular concerns were identified. The Committee requested that the Port examine the relationship between TEU throughput and monitoring results.

The committee discussed their Air Quality Mitigation Incentive Program (AQMIP) recommendation and decided to put the recommendation on hold until the TAC had an opportunity to review and endorse the Committee's decision to substitute the Crowley Tug Project.

2. San Pedro Coordinated Plan (A written report was distributed.)

June Burlingame Smith reported that the Coordinated Plan Subcommittee held its last regular monthly meeting on September 10th. The subcommittee passed the emergency motion as discussed earlier in this meeting. The next subcommittee meeting has been rescheduled for October 14 because of Yom Kippur. A consultant will be available to guide the committee and the public through the CEQA response with a special emphasis on the Working Group and

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Committee approved alternative to the Port's DEIR/DEIS.

Joanne Ruddell, the Port Planning Department's Project Manager for Knoll Hill, stated that a Steering Committee had been formed, consisting of Port and LA City staff, 6 members from the Central Neighborhood Council and two from each of the other San Pedro and Wilmington Neighborhood Councils. There will be three community meetings. The "Steering Committee" meetings were not expected to be public and there were no plans to involve PCAC. This was a Neighborhood Council Committee, not a Port Committee.

Ms. Burlingame Smith stated that all such meetings of the Neighborhood Councils had to be Brown Acted and made public.

City/Port Attorney's determined that Steering Committee meetings could be private because they didn't make decisions.

Ms, Burlingame Smith raised several serious concerns about the composition and procedures of this committee:

- 1. Who chairs and controls the agenda and runs the meetings?**
- 2. Why is the composition not even between the Neighborhood Councils? (After all, this is to determine land use for all of the Los Angeles region, not just Central San Pedro?)**
- 3. Has the Central Neighborhood Council gotten approval to hold non-public meetings? And 4. How does the group intend to include the Coordinated Plan Subcommittee and PCAC?**

Grading work has begun on the 22nd Street Park.

The committee has asked for a Business Plan for the San Pedro Waterfront, and has not seen one. With the San Pedro Waterfront DEIR/DEIS being released on September 22nd, Ms. Burlingame Smith requested that hard copies of the document be distributed to the members of the Coordinated Plan Committee, the PCAC Co-Chair, and that two copies be distributed to each Neighborhood Council.

Mr. Warren stated his concern with getting the above adopted motion

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to the BHC on September 18, 2008. Staff explained that the item was not on the Board agenda. To get this motion to the Board at this particular meeting would require that a PCAC member present the item to the Board during the Public comment period.

3. EIRs/Aesthetic Mitigation (Written Report Distributed)

Dr. John Miller reported that the subcommittee submitted their comments on the Pier 400 Pacific LA Marine Terminal Berth 408 SEIR/SEIS in mid August. Concerns included the use of overriding considerations by the BHC to approve projects while serious safety hazards, externalized cost issues and environmental justice issues remain.

The Subcommittee met August 28, at which time the Army Corps of Engineers was present to answer questions on the Channel Deepening Project. The subcommittee finalized their comments on the Channel Deepening SEIS/SEIR. Major issues included the rock dike associated with the proposed Eelgrass Habitat. This would result in a functional loss of 40 acres of prime recreational water use, as well as negative aesthetic impacts.

With regard to the Anchorage Road Soil Storage Site, there were questions about dredging the Cerritos Channel to minus 53 feet and its effects on nearby recreational marinas.

Regarding land use, the Port of LA Plan, which is intended to function as the General Plan for the Port area, was last comprehensively revised in 1982. It seems to fail to meet the most basic State requirements for general plans. This issue is emerging as a potentially serious problem.

POLA Staff reported on the Status of the China Shipping Aesthetic Mitigation Fund RFP for San Pedro Mitigation Projects. The deadline is September 22, 2008. The committee plans to hear presentations on proposals at their September meeting.

The committee continues to deal with the Port's refusal to renew the contract for our CEQA consultant.

At the request of POLA, the subcommittee met as a working group, after

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the regular meeting, to help develop an improved Executive Summary for future EIRs.

4. Light, Aesthetics and Noise

Peter Warren reported that the committee met on September 8, 2008. They were working with Port staff on trying to establish some kind of standardized measure to determine the baseline for light and noise, as well as the impacts on the community.

5. Port Master Plan/Quality of Life

Donna Ethington reported that the committee reviewed the land use master plan for the various planning areas, as proposed by the committee a couple of years ago. The committee needs to review the Port's Strategic Plan.

6. Traffic – Patrick Wilson, Chair of the committee

Patrick Wilson reported that the subcommittee met on August 20, 2008, and that the next meeting was scheduled for September 17th, at 8:00AM at the Banning Museum. The committee will be looking at the Southern California International Gateway Project, and the Clean Trucks Program.

7. Water Quality

The subcommittee did not meet in September. They did however work on the Heal the Bay Coastal Cleanup, focusing on the Dominguez Channel. The cleanup will be held on Saturday, September 20, 2008. The work site will be set up at the corner of Opp Street where Opp Street meets the Dominguez Channel.

8. Wilmington Waterfront Development

Ken Melendez reported that the committee was waiting to break ground for the buffer project, in January 2009. The next meeting is scheduled for October 14, 2008 at 5:30PM at Banning's Landing.

K. GENERAL PUBLIC COMMENT (3 MINUTES PER SPEAKER)

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

Committee members made the following comments:

Lucy Mejia asked the Port to spray down the dirt between B and C street.

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Dr. Miller commented on the possible leaching of arsenic from old creosol deposits left at 22nd Street. This could be problematic.

Carrie Scoville, as a member of the Knoll Hill Steering Committee, and a PCAC representative, voiced her concerns about the Steering Committee meetings not being subject to the Brown Act or being made public. She will address the issue at the upcoming neighborhood Council meeting.

L. AGENDA ITEMS FOR THE TUESDAY, OCTOBER 21, 2008, PCAC MEETING

- Educational Presentation/Terminal Efficiency – Michelle Grubbs (PMSA)
- Action Item Regarding the Air Quality Management Incentive Program (AQMIP) TAC / Air Quality Subcommittee Recommendations
- Action Item requesting that all DEIR comment periods be a minimum of 90 days.

M. ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 7:40PM THE TUESDAY, SEPTEMBER 16, 2008 MEETING OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE WAS ADJOURNED.

Signature on File

Jayne Wilson, Co-Chair
Port of Los Angeles Community Advisory Committee

Signature on File

Debra Babcock-Doherty, PCAC Executive Assistant