

**MINUTES OF THE REGULAR MEETING OF THE
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
TUESDAY, DECEMBER 18, 2007, 5:30-8:00 P.M.
CROWNE PLAZA/LA HARBOR HOTEL
601 S. PALOS VERDES STREET
SAN PEDRO, CALIFORNIA**

JAYME WILSON, CO-CHAIRPERSON

ATTENDEES

Jayne Wilson, PCAC Co-Chair
Joe Gatlin, Voting Member, Central San Pedro Neighborhood Council
Richard Havenick, Voting Member, Coastal San Pedro Neighborhood Council
Pat Nave, Voting Member, Northwest San Pedro Neighborhood Council
Dennis McCarbery, Voting Member, Wilmington Neighborhood Council
Marcus Perez, Alternate for Donna Ethington, 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, San Pedro & Peninsula Homeowners Coalition
Andrew Mardesich, Voting Member, San Pedro & Peninsula Homeowners Coalition
Dr. John Miller, Voting Member San Pedro & Peninsula Homeowners Coalition
Lucy Mejia, Voting Member, Wilmington Citizen's Committee
Cathy Beauregard, Voting Member, At-Large, S.P.
Chuck Hart, Voting Member, At-Large (S.P.)
Gary Kern, Voting Member, Wilmington Community Advisory Committee
William Lyte, Voting Member, Harbor Association Commerce and Industry
Paul Langland, Alternate for Mark Waronek, 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
Kenneth Melendez, Voting Member, Wilmington Commercial District
Patrick Bates, Alternate Member for David Beeman, I.L.W.U.
Linda Spink, Voting Member, Education At-Large
Olivia Cueva Fernandez, Voting member, Education At Large

ABSENTEES

Joeann Valle, Voting Member, Harbor City Neighborhood Council
Noel Park, Voting Member, San Pedro & Peninsula Homeowners Coalition
Frank Herrera, Voting Member, Wilmington Community Advisory Committee
Eleanor Montano, Voting Member, Wilmington Community Advisory Committee
Anthony Misetich, Voting Member, Harbor Association Commerce and Industry
Mark Waronek, Voting Member, Harbor City/Gateway Chamber
David Beeman, Voting Member, ILWU Local #13
Gary Young, Voting Member, Non-I.L.W.U.
Lanny Nelms, Voting Member, At-Large
Andrew Fox, Voting Member, At-Large

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PORT STAFF IN ATTENDANCE

Thomas Russell, General Counsel

Kathryn McDermott, Deputy Executive Director, Business Development

A. CALL TO ORDER: 5:40PM

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 23 members present.

D. APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2007 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING

ON MOTION OF RICHARD PAVLICK, SECOND BY CATHY BEAUREGARD, IT WAS RESOLVED THAT THE MINUTES OF THE NOVEMBER 20, 2007 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING BE APPROVED.

The Minutes were approved with 20 Ayes, 0 Nays, and 3 Abstentions.

E. GENERAL PUBLIC COMMENTS (3 minutes per speaker)

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

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

In the absence of David Mathewson, Kathryn McDermott, Deputy Executive Director of Business Development, reported that:

There were no PCAC motions scheduled to go to the Board in December. However, at the January PCAC meeting, Port staff would provide a schedule for handling the remaining pending motions.

Regarding the Northwest San Pedro Beautification Project, Clear First, removed four billboards from Gaffey Street on November 1st. CVS Outdoor has verbally agreed to remove the last two billboards by the end of the year.

The Harbor Commission meeting schedule is off track and members of the community are advised to keep an eye on the Port website for updated meeting information. Both the December 20th and the January 3rd BHC meetings will be held at 8:30AM, at the Harbor Administration Building.

G. ACTION ITEMS:

The EIR Aesthetic Mitigation Subcommittee adopted this motion on November 8, 2007. The motion was moved by Ken Melendez, Second by Pat Nave and carried with 6 Ayes, 5 Nays, 0 Abstentions. The Wilmington Waterfront Development Subcommittee also adopted this motion on November 13, 2007. The motion was moved by Gary Kern, Second by Eleanor Montano, and adopted with 4 Ayes, and 0 Nays.

Recommendation:

The PCAC recommends to the Los Angeles Board of Harbor Commissioners that the following projects be funded with Wilmington's share of the China Shipping Aesthetic Mitigation Funds:

1. #5 Ocean Water Resource Center - \$3.7 Million
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 40
 - Proposal is compatible with the Wilmington Waterfront

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Development Program

2. **#9 Landscaping – Alameda and Harry Bridges - \$1.8 Million**
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 38
 - Proposal is compatible with the Wilmington Waterfront Development Program
3. **#12 Banning Museum Transportation Exhibit - \$900,000**
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 40
 - Proposal is compatible with the Wilmington Waterfront Development Program
4. **#13 Wilmington Boathouse – Rowing Facility - \$2 Million**
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 35
 - Proposal is compatible with the Wilmington Waterfront Development Program
5. **#14 Aquatics Center/Programs Wilmington YMCA- \$2.7 Million**
 - State Lands Commission Official Response/Yes, with Conditions
 - Wilmington Representatives Ranking – 38.5
 - Proposal is compatible with the Wilmington Waterfront Development Program

The Wilmington Representatives were Ken Melendez, Eleanor Montano, Olivia Cueva Fernandez, and Gary Kern, all of whom attended the EIR Subcommittee Working Group Meeting on June 11, 2007. The scores given for each project are out of a maximum possible score of 45.

The Subcommittee requests that the Wilmington Boathouse – Rowing Facility (Item 4 above) be combined with the Wilmington Youth Sailing Center, which was already approved for funding under the China Shipping Aesthetic Mitigation Fund. Therefore, the total funding requested in this motion is \$9.1 Million.

Ken Melendez, as Chair of the Wilmington Waterfront Development Subcommittee, introduced the recommendation, and asked that the PCAC

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support the recommendation as it had been vetted and approved by the EIR Aesthetic Mitigation Subcommittee, the Wilmington Waterfront Development Subcommittee, and the Wilmington Neighborhood Council.

Frank O'Brien moved that the East Wilmington Open Space Project be added to the list of recommended China Shipping Aesthetic Mitigation Projects under the first priority category of Open Space and Parks. Second by Janet Gunter.

Discussion:

Mr. O'Brien stated that the above projects were very good projects, but that the East Wilmington Open Space Project fulfills the terms of the China Shipping Settlement as it addresses off Port impacts. In addition, the Natural Resources Defense Council (NRDC), the legal defense team that secured the funding for these projects also supports this project.

Janet Gunter explained that the "easy" projects approved by State Lands would not move the process forward to address off Port impacts. It would not help to get off-Port mitigation for Wilmington in the future.

Gary Kern spoke in opposition of the amendment, stating that two of the five proposals in the recommendation were located off-Port property.

Dr. John Miller spoke in favor of the amendment, noting that the East Wilmington Open Space project had been the highest rated proposal from the beginning. He reminded the committee that Mr. Baldwin, the applicant for the East Wilmington Open Space project, had not been informed of a location change of the meeting where these proposals were selected. He emphasized that the NRDC supported the strong nexus between the Wilmington Open Space Project Proposal and Port related operations. The NRDC points out that the State Lands Commission appears to have misinterpreted the project in its response letter to the Port. This response should not deter the PCAC from recommending this project.

Mr. Melendez spoke in opposition to this amendment. He reminded the committee that the open green space project had been turned down by

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State Lands twice. He encouraged the committee to support their choice of amenities which would improve the quality of life in Wilmington. He suggested that if PCAC felt that this project should go forward, to submit a motion separate from this one.

Pat Nave supported the amendment and asked the Committee to consider moving all these project forward and to not allow friction to separate the group/communities. Implementing mitigation projects for Wilmington is long overdue.

Marcus Perez spoke against the amendment and stated that the Neighborhood Council had discussed the five proposals within the original recommendation. He did not have input from the Neighborhood Council to vote on other proposals. He supported the idea of a separate motion to recommend the East Wilmington Open Space Proposal.

City Attorney, Thomas Russell, reviewed the agenda and came to the conclusion that this particular matter was not adequately noticed for discussion at this time under the Brown Act, and ruled the amendment to be out of order. The amendment brings into play a significant project that changes the \$ values stated in the original recommendation.

Point of Order:

Mr. O'Brien disagreed with Attorney Russell's interpretation in that he, Mr. O'Brien went to the Wilmington Neighborhood Council to let them know that he would be making this motion at the upcoming PCAC meeting. Secondly, the minutes of the November PCAC meeting and the November EIR Aesthetic Mitigation Subcommittee meeting specifically note that Mr. O'Brien would be making this motion. Thirdly, the China Shipping Settlement provides for PCAC to accept, reject, or modify recommendations. Under the settlement, any amendment was in order.

City Attorney responded by stating that the settlement did not supersede the Brown Act. The question was who would have been here at this meeting if the Wilmington Open Space Proposal had been properly noticed. The public is not required to look to extrinsic sources, only the

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published agenda. There is no indication on this agenda that there would be additional discussions on specific amendments.

Co-Chair Wilson ruled that this amendment was out of order, based on the advice of Council. The East Wilmington Open Space Proposal can be placed on the January PCAC meeting agenda as an action item.

Co-Chair Wilson stated for the record that members of the PCAC needed to stay in attendance, as leaving would break the quorum.

Based on the fact that Patrick Wilson had a conflict of interest regarding proposal #12, the Banning Museum Transportation Exhibit, the Museum portion of the recommendation was handled separately from the other four proposals. The first recommendation was as follows:

Recommendation 1 (Portion #1):

The PCAC recommends to the Los Angeles Board of Harbor Commissioners that the following projects be funded with Wilmington's share of the China Shipping Aesthetic Mitigation Funds:

1. #5 Ocean Water Resource Center - \$3.7 Million
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 40
 - Proposal is compatible with the Wilmington Waterfront Development Program
2. #9 Landscaping – Alameda and Harry Bridges - \$1.8 Million
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 38
 - Proposal is compatible with the Wilmington Waterfront Development Program
4. #13 Wilmington Boathouse – Rowing Facility - \$2 Million
 - State Lands Commission Official Response – Yes
 - Wilmington Representatives Ranking – 35
 - Proposal is compatible with the Wilmington Waterfront Development Program
5. #14 Aquatics Center/Programs Wilmington YMCA- \$2.7 Million
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- **Wilmington Representatives Ranking – 38.5**
- **Proposal is compatible with the Wilmington Waterfront Development Program**

The Wilmington Representatives were Ken Melendez, Eleanor Montano, Olivia Cueva Fernandez, and Gary Kern, all of whom attended the EIR Subcommittee Working Group Meeting on June 11, 2007. The scores given for each project are out of a maximum possible score of 45.

The Subcommittee requests that the Wilmington Boathouse – Rowing Facility (Item 4 above) be combined with the Wilmington Youth Sailing Center, which was already approved for funding under the China Shipping Aesthetic Mitigation Fund. Therefore, the total funding requested in this motion is \$9.1 Million.

Roll call was taken to determine a quorum. Those present were: Joe Gatlin, Richard Havenick, Pat Nave, Dennis McCarbery, Marcus Perez, June Burlingame Smith, Cathy Beauregard, Gary Kern, William Lyte, Paul Langland, Jayme Wilson, Michelle Grubbs, Patrick Wilson, Ken Melendez, Linda Spink, Olivia Cueva Fernandez, and Patrick Bates. Seventeen PCAC members were present. There was a quorum.

Discussion:

Mr. Kern spoke in favor of this motion.

Olivia Cueva Fernandez asked for assurance from the Harbor Department that the implementation of the Youth Sailing Program would not be delayed by combining the Wilmington Boathouse, Rowing facility with the Sailing Program. [Kathryn McDermott was under the understanding that this would not slow down the Youth Sailing Program. However, she was not certain. She will verify this with David Mathewson. Teresa Scognamillo reported that Port staff was continuing their work on the Youth Sailing Center and that there is progress independent of the rowing facility being part of it.]

PUBLIC COMMENT:

Co-Chair Wilson opened the floor for public comments. The following individuals addressed the Committee.

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Jacob Haik, Director of Environmental Affairs for Councilmember Janice Hahn, spoke on her behalf, in support of the 5 projects listed within this recommendation. He reported that the Councilwoman has secured alternate funding to purchase the Union Pacific Land for a park for the Far East Wilmington Community as well as to build out soccer fields in that park. He encouraged the Committee to support these projects for the Wilmington Community.

Michael Sanborn, Director for the Banning Residence Museum, urged the Committee to consider the Harbor as a whole, to support this motion and to help develop Wilmington and San Pedro which would benefit everyone.

Skip Baldwin clarified some confusion on the East Wilmington Open Space Project which was not the same as the East Wilmington Greenbelt Park Project. They are two different projects. The funds that have been secured through the Council office are strictly for the East Wilmington Greenbelt Park, the project that had been proposed over a year ago.

Dan Hoffman, spoke on behalf of the Wilmington Chamber of Commerce and their desire to support the recommendations of the Wilmington Waterfront Development Subcommittee for proposals numbers 5, 9, 12, 13, and 14.

Bob Trujillo, spoke on behalf of the Wilmington YMCA and the Aquatic Center. He encouraged the Committee to support the aquatic center proposal.

Mr. Nave stated, for the record, that the Northwest San Pedro Neighborhood Council voted unanimously in favor of this motion.

Richard Pawlowski, representing the Mariners Garden at Banning Village, spoke in favor of the Mariners Garden proposal which would revitalize four blocks of Avalon Boulevard and turn it into a beautiful space.

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Glenda Sands, a Wilmington resident, supported the Wilmington Open Space Project, and the need for open space/parks in Wilmington. There was no further discussion. The Secretary took a roll call vote. The motion carried, unanimously. 17 Ayes, 0 Nays, and 0 Abstentions

Joe Gatlin, Richard Havenick, Pat Nave, Dennis McCarbery, Marcus Perez, June Burlingame Smith, Cathy Beauregard, Gary Kern, William Lyte, Paul Langland, James Cross, Michelle Grubbs, Patrick Wilson, Ken Melendez, Linda Spink, Olivia Cueva Fernandez, and Patrick Bates.

Recommendation #1 (Portion #2)

Proposal

- 3. #12 Banning Museum Transportation Exhibit - \$900,000**
- State Lands Commission Official Response – Yes**
 - Wilmington Representatives Ranking – 40**
 - Proposal is compatible with the Wilmington Waterfront Development Program**

For the record, Patrick Wilson recused himself from this motion and left the room.

Mr. Melendez urged the Committee to support this project as it enhances the Banning Residence Museum, and it was related to the Port.

PUBLIC COMMENT:

Co-Chair Wilson opened the floor for public comments. The following individuals addressed the Committee:

Arthur Hernandez spoke in support of the Banning Museum Transportation Exhibit.

There was no further discussion. The vote was taken, the motion carried with 15 Ayes, 0 Nays, and 2 Abstentions

- II. The EIR Subcommittee adopted the following motion on November 8, 2007. The motion was moved by Pat Nave with a**

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second by Ken Melendez. Motion carried with 9 Ayes, 0 Nays, and 1 Abstention.

The PCAC recommends to the Board of Harbor Commissioners that Aesthetic Mitigation proposals #2, the Wilmington Gateway Beautification Project, #6, the Welcome to Wilmington LED Sign, #7, the Storm Drain Improvements for Alameda Street, and #8, the Street Improvement Project for Alameda Street, move forward to the Board of Harbor Commissioners with a recommendation that these projects be funded with money other than the Aesthetic Mitigation Funds.

Pat Nave introduced the motion. These are projects that are related to Port operations and that need to be addressed. The intention was to bring to the attention of the Port projects that should be handled with Port Capital Improvement funds rather than Mitigation Funds.

There was no further discussion or public comments. The vote was taken; the motion carried with 14 Ayes, 0 Nays, and 3 Abstentions.

III. Brotherhood Raceway in the Wilmington Marinas

The Wilmington Waterfront Development Subcommittee adopted the motion below on November 13, 2007. The motion was moved by Olivia Cueva Fernandez, Second by Skip Baldwin, and passed with 6 Ayes, 1 Nay, and 0 Abstentions.

The PCAC recommends to the Board of Harbor Commissioners that they 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.

Mr. Melendez urged the Committee to support this motion.

There was no further discussion. The vote was taken, the motion carried with 15 Ayes, 0 Nays, and 2 Abstentions

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IV. The following motion was adopted by the EIR Subcommittee on October 25, 2007. The motion was moved by Pat Nave, Second by Janet Gunter and passed with 7 Ayes, 1 Nay, and 0 Abstentions. The EIR/Aesthetic Mitigation Subcommittee recommends that the Port provide clear written information on impacts, mitigated impacts and impacts which cannot be mitigated, concerning the TraPac EIR.

Mr. Melendez spoke in opposition of this motion.

Mr. Nave offered the following amendment: To strike the phrase concerning the TraPac EIR and replace it with “in all environmental documents”. Second: June Burlingame Smith.

The EIR/Aesthetic Mitigation Subcommittee recommends that the Port provide clear written information on impacts, mitigated impacts and impacts which cannot be mitigated, ~~concerning the TraPac EIR~~ “in all environmental documents”.

Dennis McCarbery stated that PCAC members were directed by their respective groups to vote a certain way on the motion as it had originally been presented. Making such a significant change to the motion may cause many of the members to abstain from voting. He suggested that this amendment be postponed until January so that the amendment could be taken to the neighborhood councils.

Olivia Cueva Fernandez spoke in support of this amendment.

With the advice of the parliamentarian, Co-Chair Wilson called for a vote on the amendment and then asked the committee for a motion to table the amended motion so that it could be taken back to the neighborhood councils.

The vote was taken for the amendment. The amendment carried with 9 Ayes, 3 Nays, and 4 Abstentions.

Mr. Nave moved that any action on the amended motion be postponed until January, giving PCAC members the month to take it to their

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respective groups. Second by Ken Melendez. Motion carried 15 Ayes, 0 Nays, and 1 Abstention.

H. SUBCOMMITTEE REPORTS

1. Port Master Plan Subcommittee – No Report
2. Air Quality Subcommittee held a lengthy discussion in December with the South Coast Air Quality Management District (AQMD), the California Air Resources Board (CARB), and the AQ Consultants, with regard to insufficient mitigations in the TraPac EIR.
3. San Pedro Coordinated Plan Subcommittee – No Report
4. Water Quality Subcommittee – No Report
5. EIR/Aesthetic Mitigation Subcommittee – No Report
6. Wilmington Waterfront Development Subcommittee – No Report

I. GENERAL PUBLIC COMMENT (3 MINUTES PER SPEAKER)

Co-Chair Wilson, opened the floor for public comments. The following individual addressed the Committee:

Joe Gatlin raised a concern with regard to the increase in racial intimidation and expression in Port terminals/community. He asked the PCAC for their support in applying pressure on the Port, the Pacific Merchant Shipping Association (PMSA), the ILWU and the elected officials to take a transparent approach on enforcing a zero tolerance policy on any kind of racial intimidation or action. He requested that leadership from within the black community be included in the resolution of this issue.

Co-Chair Wilson stated that since this was an item that was just brought to the attention of PCAC, that they could make an emergency motion,

EMERGENCY MOTION:

The Port of Los Angeles Port Community Advisory Committee supports the action of condemning racial intimidation and actions in the Port and encourages the resolution of this issue.

Motion moved by Linda Spink, Second by Olivia Cueva Fernandez. With no discussion, the Committee unanimously approved the emergency

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motion with 16 Ayes, 0 Nays, and 0 Abstentions.

J. AGENDA ITEMS FOR THE TUESDAY, JANUARY 15, 2007, PCAC MEETING

- Amendment for the Wilmington Open Space Proposal for the Wilmington Aesthetic Mitigation Projects to move forward to the Board of Harbor Commissioners
- Amended EIR Subcommittee motion regarding clear written information on impacts, mitigated impacts and impacts which cannot be mitigated, in all environmental documents

K. ADJOURNMENT:

THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 7:05PM THE TUESDAY, DECEMBER 18, 2007 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