

A G E N D A

***Governing Board of the
Alameda Corridor Transportation Authority***

Meeting Date: June 9, 2011
Time: 9:00 A.M.
**Location: Port of Long Beach
925 Harbor Plaza
6th Floor Board Room
Long Beach, California**

- A. Roll Call**
- B. Opening Statement**

Persons in the audience who wish to address the Governing Board on any agenda item are invited to identify themselves when that agenda item is called. Persons wishing to address the Governing Board on an item not on the agenda but within the subject matter jurisdiction of the Board should ask to be recognized after the last agenda item before any closed session item. Ordinarily, the Governing Board will not act on any matter which does not appear on the published agenda. The Governing Board may consider and act upon any of the items listed on the agenda.

- C. Agenda Items**

- 1. Election of Chair and Vice Chair
- 2. Closed Session:

**CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Subdivision [a] of Section 54956.9) (Two cases)**

- (a) **NRDC et al vs. California Department of Transportation District 7
with ACTA as Real Party in Interest
Los Angeles Superior Court Case BS 122539**
- (b) **NRDC et al vs. USDOT; Ray Lahood, Secretary, USDOT; FHA;
J. Paniati, Deputy Director, FHA; California Department of
Transportation with ACTA as Real Party in Interest
U.S. District Court for California Central District
Case No. 2:09-cv-8055-CAS-MAN**

**CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subsection [b] of Section 54956.9:
(One potential case)**



**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Section 54956.8)**

Settlement of real property transfers with Caltrans for various parcels in the vicinity of Henry Ford Avenue in Wilmington, California

Agency Negotiator: James Wiley

REGULAR:

3. FY12 Budget (APPROVAL)

CONSENT: (Items 4 through 18)

- 4. Minutes of the March 10, 2011 regular meeting of the Governing Board of the Alameda Corridor Transportation Authority. (APPROVAL)**
- 5. Quarterly Investment Report – First Quarter 2011 (R/F)**
- 6. Monthly Financial Statements (R/F)**
- 7. Authorize the Chief Executive Officer or Chief Financial Officer to execute a Change Order to ACTA Contract No. CO607 with Berg Associates, Inc. increasing the not-to-exceed amount by \$75,000 document control support and extending the term through FY12. (APPROVAL)**
- 8. Authorize the Chief Executive Officer or Chief Financial Officer to execute an amendment to Agreement No. 693 with Manatt, Phelps, & Phillips (MPP) for federal legislative advocacy services that extends the term one year through June 30, 2012 for the total not-to-exceed amount of \$75,000. (APPROVAL)**
- 9. Authorize the Chief Executive Officer or Chief Financial Officer to execute amendments to: 1) Agreement CO719 with IBI for a one-year term extension through June 30, 2012 at an increased contract value not-to-exceed \$104,500 for support and maintenance of ACTA's Revenue Assessment and Verification System and PierPass Validation System; and 2) Agreement CO783 with IBI for a one-year extension through June 30, 2012 at an increased contract value not to exceed \$150,000 for special services related to ACTA's Revenue Assessment and Verification System and the PierPass Validation System. (APPROVAL)**
- 10. Authorize the Chief Executive Officer or Chief Financial Officer to execute the following amendments to government/public affairs consultant contracts: 1) Agreement No. 729 with Butterfield Communications in the fixed annual amount of \$100,000 for the period from July 1, 2011 to June 30, 2012; 2) Agreement No. 730 with Cerrell Associates, Inc., in the fixed annual amount of \$75,000 for the period from July 1, 2011 to June 30, 2012. (APPROVAL)**
- 11. Authorize the Chief Executive Officer or Chief Financial Officer to execute an amendment to Contract CO761 with Willis Insurance Services of California Inc. (formerly Hilb, Rogal & Hobbs) for insurance brokerage services, extending the contract term through June 30, 2012 and increasing the contract amount by \$100,000. (APPROVAL)**
- 12. Authorize the Chief Executive Officer or Chief Financial Officer to: 1) Issue amendments to legal services agreements with ten (10) law firms (Gibbs Giden; Jones Day; Keesal Young & Logan; Allen Matkins; Nossaman; O'Melveny; Quateman; Smith & Rendon; Squires Sanders; and Alston & Bird) in the aggregate amount of \$70,000 to be used in conjunction with \$745,000 of previously authorized surplus, to fund \$815,000 of estimated FY12 legal expenses; 2) Issue additional**

amendments, as may be required throughout the fiscal year, by shifting unused amounts from one agreement to another. (APPROVAL)

13. Authorize the Chief Executive Officer or Chief Financial Officer to issue change orders with no net increase in aggregate value to FY11 annual Contract Work Orders (CWOs) with the Alameda Corridor Engineering Team (ACET) through Amended Agreement No. CO027 as follows: 1) Increase ACTA Support CWO by \$75,000; 2) Decrease SR-47 CWO by \$75,000; 3) As a result of 1-2, the total FY11 not-to-exceed amount will remain \$4,112,065. (APPROVAL)
14. Authorize the Chief Executive Officer or Chief Financial Officer to issue a Change Order in the amount of \$1,650,000 to Agreement No. 807 with URS Corp. for design support during construction for the Heim Bridge Replacement portion of the SR-47 Project (known as Segment 1). (APPROVAL)
15. Authorize the Chief Executive Officer or Chief Financial Officer to execute Change Orders to Agreement No. 764 with Earth Mechanics Inc. for additional geotechnical design and design support during construction for Segment 1 of the SR-47 Project in the aggregate amount not to exceed \$850,000. (APPROVAL)
16. Authorize the Chief Executive Officer or Chief Financial Officer to issue contract task orders for miscellaneous additional services provided by Balfour Beatty Rail Inc. under Agreement No. 782 in an amount not to exceed \$100,000. (APPROVAL)
17. Authorize the Chief Executive Officer or Chief Financial Officer to execute an amendment to Consultant Service Agreement No. 714 with David Duthie for utility coordination services in the additional amount not to exceed \$75,000 for services through June 30, 2012. (APPROVAL)
18. Authorize the Chief Executive Officer or Chief Financial Officer to issue annual Contract Work Orders (CWOs) and corresponding Change Orders (COs) to Amended Agreement No. CO027 for services provided by the Alameda Corridor Engineering Team (ACET) as follows: 1) Approve FY12 ACTA Support CWO for the period July 1, 2011 through June 30, 2012 and issue CO in the amount of \$2,213,712; 2) Approve FY11 Pacific Coast Highway closeout CWO for the period July 1, 2011 through June 30, 2012 and issue CO in the amount of \$227,958; 3) Approve FY11 SR-47 Expressway CWO for the period July 1, 2011 through June 30, 2012 and issue CO in the amount of \$889,154; and 4) Increase the not-to-exceed total contract value by the combined amount of \$3,330,824 from \$225,348,229 to \$228,679,053 to incorporate the CWOs and COs listed above exclusive of EPA amounts.

REGULAR:

19. Adopt resolution amending the ICMA-RC IRC 457 Deferred Compensation Plan and authorize the Chief Financial Officer to execute the Statement of Intent to amend the Deferred Compensation Plan. (APPROVAL)
20. Authorize the Chief Executive Officer or Chief Financial Officer to execute a separate Construction Cooperative Agreement, or amendment to the SR-47 Construction Cooperative Agreement, enabling ACTA to administer the construction contract for the Henry Ford Avenue and Pier S Pump Stations with ACTA costs reimbursed by Caltrans. (APPROVAL)
21. Authorize the Chief Executive Officer or Chief Financial Officer to: 1) Set aside an amount not to exceed \$800,000 for ACTA's share of the funding to advance value engineering, final design and bid document preparation for Badger Rail Bridge seismic retrofit project; 2) Execute a cost sharing agreement with the ports to complete these activities, and 3) Issue an amendment(s) as may be required to

Agreement No. 811 with HNTB to advance the work in stages after executing the funding agreement. (APPROVAL)

- 22. RRIF Update (INFORMATION)**
- 23. SR-47 and other projects update (INFORMATION)**
- 24. Legislative Update (INFORMATION)**
- 25. April Performance Update (INFORMATION)**
- 26. Public Comment**
- 27. Adjournment**