

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD AT THE LONG BEACH CITY COLLEGE BOARD ROOM, 4901 EAST CARSON STREET, LONG BEACH, CALIFORNIA, ON APRIL 11, 2019 AT 9:30 A.M.

Members present:

Frank Colonna, Port of Long Beach
Janice Hahn, Los Angeles County
Metropolitan Transportation Authority

Alternate Members present:

Tony Gioiello, Port of Los Angeles
Duane Kenagy, Port of Long Beach
Jeannine Pearce, City of Long Beach

Members absent:

Joe Buscaino, City of Los Angeles
Edward Renwick, Port of Los Angeles

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Heather McCloskey, ACTA, Co-General Counsel
Lauren Misajon, ACTA, Co-General Counsel

BOARD MEMBER HAHN PRECIDED AS CHAIR.

The meeting was called to order at 9:36 a.m. Roll call was taken.

Item 1 was removed from consent for discussion.

CONSENT CALENDAR - ITEM NO. 2

2. MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDED JANUARY 31, 2019 – RECEIVED AND FILED.

Communication from James P. Preusch, Chief Financial Officer, dated April 11, 2019, recommending that the monthly financial reports for the period ended January 31, 2019, be received and filed, was presented to the Governing Board.

Board Member Kenagy motioned, seconded by Board Member Colonna that Item No. 2 be received and filed. Carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Pearce

NOES: None

ABSENT: Buscaino, Renwick

1. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF MARCH 14, 2019 – TABLED.

Minutes of the Regular Meeting of March 14, 2019 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

Mr. Doherty stated that the minutes were revised to reflect the actual record of voting on Items No. 8-11 & 13-14. Board Member Hahn was mistakenly listed as voting on these items when she was in fact absent from the meeting. The revised minutes were distributed to Board Members.

Board Member Pearce was not in attendance at the meeting on March 14, 2019, therefore, she abstained from voting. Due to lack of quorum, the item was continued to the next meeting.

3. RAILWORKS TRACK SERVICES, INC. – AGREEMENT NO. C0885 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated April 11, 2019, recommending the approval of Agreement No. C0885 with RailWorks Track Services, Inc. (RailWorks) for maintenance services on the Alameda Corridor commencing on or about May 1, 2019 through April 14, 2024, with an additional five-year extension option and authorization of the Chief Executive Officer or Chief Financial Officer to execute said agreement, was presented to the Governing Board.

Mr. Doherty provided background information on the item including the selection process of RailWorks, term of the agreement, transition between existing contractor and new contractor, and budget information.

Board Member Colonna motioned, seconded by Board Member Gioiello that Item No. 3 be approved as recommended. Carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Pearce

NOES: None

ABSENT: Buscaino, Renwick

Item No. 7 was next taken out of order to accommodate public commenters present at the meeting.

7. HOMELESS ENCAMPMENTS ADJACENT TO PACIFIC COAST HIGHWAY GRADE SEPARATION – RECEIVED & FILED.

Communication from Connie Rivera, Director of Government and Community Relations, dated April 11, 2019, with information on a homeless encampment on ACTA property adjacent to the Pacific Coast Highway (PCH) Grade Separation Project in Wilmington, was presented to the Governing Board.

Public comment cards were submitted by Daniel Sliskovich, Arthur Steedle and Rich Dines in regards to Item 7.

Mr. Sliskovich, property owner on Mauritania Street, addressed the Governing Board and submitted a written statement and petition signed by other property owners and business owners along Mauritania Street. Mr. Sliskovich expressed concern regarding the activities occurring on the strip of land on the south side of PCH west of Alameda Street. He stated that the area is in fact an illegal auto disassembly operation and not a homeless encampment. He requested that ACTA take immediate action to stop the unlawful use of public land.

Mr. Steedle, private business owner on Mauritania Street, also addressed the Governing Board and provided photographs of the area. He stated that the area is not a homeless encampment but an illegal business operation. He stressed his concern for environmental hazards on the property.

Mr. Dines, ILWU representative, stated that he has visited the site and that it is not a homeless encampment. He added that his concern is the dumping of motor oil into the sewer drain. He asked the Board to consider the staff recommendation.

Chair Hahn thanked the public speakers for attending the meeting. She stated that as a representative of Wilmington, she recognizes the problems that have occurred in the past and that the illegal operation in this area is unacceptable. Chair Hahn stated that ACTA was successful in coordinating efforts with other agencies to assist homeless individuals located on other ACTA property and that even though this is a different situation, homelessness is a public safety crisis that needs to be addressed. She asked staff to present their report.

Mr. Doherty thanked the speakers for bringing this matter to the attention of the City of Los Angeles District 15 staff who contacted ACTA. Mr. Doherty stated that ACTA staff has visited the site and is prepared to immediately address the concerns. He apologized for not being aware of the situation sooner and stated that the area is not readily visible from PCH. He agreed that it was not a typical homeless encampment. He stated that the LAPD would be contacted, notices posted and the property cleaned.

Ms. Rivera provided additional information in regards to the meetings conducted with Council District 15. She stated that ACTA staff wanted to obtain the Board's position on the matter and move forward with a plan to work with Council District 15 and LAPD.

Chair Hahn stated that the illegal activity needs to be addressed by LAPD immediately and the area cleaned including engaging the city attorney's office if appropriate.

Board Member Pearce concurred and added that the cleanup should occur before the property is turned over to Caltrans.

After further discussion and hearing the Board's position on the matter, Mr. Doherty stated that the next steps would be to meet immediately with Council District 15 and LAPD to advise that there is no objection by the Board to move forward with the evacuation and cleanup. LAPD will be asked to determine whether enforcement actions should take place before engaging the contractors for the cleanup.

Items 4 and 5 were presented together. Mr. Doherty stated that new agreements are currently being prepared to update provisions, including the term of the agreements. He added that the new agreements would then go to both Ports, both Railroads and ACTA for approval.

4. ALAMEDA CORRIDOR DISPATCHING AGREEMENT – FIFTH AMENDMENT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated April 11, 2019, recommending the approval of the Fifth Amendment and authorization of the Chief Executive Officer or Chief Financial Officer to execute the Fifth Amendment to extend the term of the Alameda Corridor Police and Security Services Agreement, between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to one year through April 14, 2020, was presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Pearce that Item No. 4 be approved as recommended. Carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Pearce
NOES: None
ABSENT: Buscaino, Renwick

5. POLICE AND SECURITY SERVICES AGREEMENT – FIFTH AMENDMENT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated April 11, 2019, recommending the approval of the Fifth Amendment and authorization of the Chief Executive Officer or Chief Financial Officer to execute the Fifth Amendment to extend the term of the Alameda Corridor Police and Security Services Agreement, between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to one year through April 14, 2020, was presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Pearce that Item No. 5 be approved as recommended. Carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Pearce
NOES: None
ABSENT: Buscaino, Renwick

6. PRELIMINARY FY 2020 DRAFT BUDGET – INFORMATION ITEM.

Communication from James P. Preusch, Chief Financial Officer, dated April 11, 2019, providing the preliminary FY2020 Draft Budget for Board Members to ask questions and provide comments, was presented to the Governing Board.

Mr. Preusch presented the assumptions, operating budget summary, administrative expense comparison and administrative spending by expense type for the FY2020 Draft Budget.

(Board Member Hahn left the meeting at 10:31 a.m. and Board Member Pearce chaired the remainder of the meeting.)

Board Member Colonna asked whether the debt service was amortizing debt. Mr. Preusch responded that it was and added that the debt would be paid off completely in 2037 with no shortfall advances anticipated. He also stated that there are opportunities to re-structure the debt between now and 2026 to avoid such advances should they possibly arise due to port volume.

Board Member Gioiello asked whether the new A/P Technician position was necessary because of outside services being brought in or because of a gap in resources. Mr. Preusch stated that the position was needed because of a gap in resources due to the reduction of available hours provided by an ACET position to ACTA and the invoice requirements for the new maintenance services agreement. He stated that if there is no objection from the Board, the position may be filled before the approval of the budget in June.

8. FEBRUARY 2019 CORRIDOR PERFORMANCE – INFORMATION ITEM.

Mr. Doherty gave an update of Corridor performance statistics including train counts, revenue and cargo volume through February 2019.

9. PUBLIC COMMENT

10. ADJOURNMENT

At 10:49 a.m., the meeting was adjourned sine die.