

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD AT LONG BEACH CITY COLLEGE LIBERAL ARTS CAMPUS BOARD ROOM, 4901 E. CARSON STREET, BUILDING T1100, LONG BEACH, CALIFORNIA 90808 ON DECEMBER 14, 2023 AT 10:00 A.M.

## **ROLL CALL**

Members present:

Michael Cano, Los Angeles County Metro

Frank Colonna, Port of Long Beach

Mario Cordero, Port of Long Beach

Edward Renwick, Port of Los Angeles

Suely Saro, City of Long Beach

Alternate members present:

Michael DiBernardo, Port of Los Angeles

Members absent:

Tim McOsker, City of Los Angeles

Also present:

Michael Leue, ACTA, Chief Executive Officer

Kevin Scott, ACTA, Chief Financial Officer

Heather McCloskey, ACTA, Co-General Counsel

Thomas Oh, ACTA, Co-General Counsel

Maria Melendres, ACTA, Governing Board Secretary

CHAIR SARO PRESIDED AS CHAIR.

The meeting was called to order at 10:02 a.m.

## **CLOSED SESSION**

At 10:03 a.m., Chair Saro recessed the Governing Board meeting to consider the appointment and employment of ACTA's Chief Operating Officer (Government Code Section 54957).

At 10:20 a.m., the meeting was again called to order. Ms. Heather McCloskey, ACTA Co-General Counsel, announced that the Governing Board addressed the items on the Governing Board agenda on page 1 and there were no reportable items.

## **OPEN SESSION**

### **A. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

There were no requests by the public to address the Governing Board.

**B. REPORTS AND PRESENTATION**

- OCTOBER 2023 CORRIDOR PERFORMANCE

Michael Leue presented the Corridor performance statistics through October 2023.

- AUDIT COMMITTEE REPORT

Audit Committee Chair Renwick provided a report of the Audit Committee meeting held on December 14, 2023.

- CARLO LUZZI RECOGNITION

Carlo Luzzi was recognized for his service to ACTA upon his retirement from the Port of Long Beach.

**C. MINUTES**

ACTA GOVERNING BOARD REGULAR MEETING OF SEPTEMBER 14, 2023 – APPROVED.

Minutes of the Regular Meeting of September 14, 2023, of the Governing Board of the Alameda Corridor Transportation Authority, were presented to the Governing Board.

Board Member Cano motioned, seconded by Board Member DiBernardo that the minutes of the September 14, 2023, Regular Meeting of the Alameda Corridor Transportation Authority be approved as submitted. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

**D. AGENDA ITEMS**

**Consent Agenda**

1. MONTHLY FINANCIAL REPORTS AS OF SEPTEMBER 30, 2023 – RECEIVED AND FILED.

Communication from Kevin L. Scott, Chief Financial Officer, dated December 14, 2023, recommending that the monthly financial reports as of September 30, 2023, be received and filed, was presented to the Governing Board.

No public comment was received on the Consent Agenda. Board Member Cano motioned, seconded by Board Member Colonna that the Monthly Financial Reports as of September 30, 2023, be received and filed. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

**Regular Agenda**

2. 2024 REVENUE REFUNDING BONDS & TENDER OF CERTAIN PREVIOUSLY ISSUED BONDS – APPROVED.

Communication from Kevin L. Scott, Chief Financial Officer, dated December 14, 2023, recommending the adoption of Resolution JPA 23-8 approving and authorizing the issuance of 2024 Revenue Refunding Bonds and a Tender of Certain Previously Issued Bonds, was presented to the Governing Board.

No public comment was received on Item No. 2.

Board Member Renwick made a motion to approve Item No. 2, seconded by Board Member Cano. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro  
NOES: None  
ABSENT: McOsker

3. ALAMEDA CORRIDOR ENGINEERING TEAM FY23 – FY23 CLOSEOUT CHANGE ORDERS 81 & 62 – AGREEMENT NO. 27 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending the authorization of the Chief Executive Officer or Chief Financial Officer to issue Change Orders to Contract Work Orders with the Alameda Corridor Engineering Team for FY23 as follows: 1) Change Order No. 81 for ACTA Support Work in the decreased amount of \$21,231; and 2) Change Order No. 62 for SR47 Project in the decreased amount of \$120,677, decreasing the total contract value for FY23 in the amount of \$141,908, was presented to the Governing Board.

No public comment was received on Item No. 3.

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

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro  
NOES: None  
ABSENT: McOsker

4. CITY OF LONG BEACH HARBOR DEPARTMENT – PIER B ON-DOCK RAIL SUPPORT FACILITY PROJECT– FIRST AMENDMENT TO AGREEMENT NO. C0905 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending the authorization of the Chief Executive Officer or his designee to execute the First Amendment to Reimbursement Agreement No. C0905 with the City of Long Beach Harbor Department (POLB) to cover ACTA expenditures for legal, environmental review, engineering and flagging services associated with POLB's Pier B On-Dock Rail Support Facility per the Agreement, was presented to the Governing Board.

No public comment was received on Item No. 4.

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

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro  
NOES: None  
ABSENT: McOsker

5. UNION PACIFIC RAILROAD – DOLORES YARD CROSSOVER PROJECT – SECOND AMENDMENT TO AGREEMENT NO. M0899 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending the authorization of the Chief Executive Officer or his designee to execute the Second Amendment to Reimbursement Agreement No. M0899 with the Union Pacific Railroad Co. (UPRR) for the UPRR's Dolores Yard Crossover Project per the project Memorandum of Agreement increasing the

costs associated with construction on ACTA right-of-way, design review and administration by \$493,000 to a total amount of \$2,150,000 to be reimbursed by UPRR, was presented to the Governing Board.

No public comment was received on Item No. 5.

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

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

6. PACIFIC RAILWAY ENTERPRISE, INC. – SIGNAL DESIGN SERVICES – SECOND AMENDMENT TO AGREEMENT NO. C0889 – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending the authorization of the Chief Executive Officer or his designee to execute the Second Amendment to Agreement No. C0889 with Pacific Railway Enterprise, Inc. for additional compensation in the amount of \$630,200 for the continuation of signal design services, was presented to the Governing Board.

No public comment was received on Item No. 6.

Board Member Cordero motioned, seconded by Board Member Colonna that Item No. 6 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

7. RESOLUTION NO. JPA 23-5 – 2024 GOVERNING BOARD MEETING SCHEDULE – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending that the Board approve Resolution No. JPA 23-5 setting the date and time for regular meetings of the ACTA Governing Board in 2024, was presented to the Governing Board.

No public comment was received on Item No. 7.

Board Member Colonna motioned, seconded by Board Member DiBernardo that Item No. 7 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

8. RESOLUTION NO. JPA 23-6 – ACTA OFFICER POSITIONS – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending that the Board approve Resolution No. JPA 23-6 clarifying and affirming the current ACTA Officers as required under the Amended and Restated Joint Exercise of Powers Agreement dated December 18, 1996 (as amended, the “Joint Powers Agreement”), and approving the added position of Chief Operating Officer, was presented to the Governing Board.

No public comment was received on Item No. 8.

Board Member Renwick motioned, seconded by Chair Saro that Item No. 8 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

9. RESOLUTION NO. JPA 23-7 – CHIEF OPERATING OFFICER APPOINTMENT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending that the Board approve Resolution No. JPA 23-7 for the appointment of Graham Christie as Chief Operating Officer of the Alameda Corridor Transportation Authority, effective December 18, 2023, and approve the COO's annual salary of \$250,000 and all other employee benefits offered to salaried Fair Labor Standards Act exempt employees with an adjustment to the Chief Operating Officer's biweekly vacation accrual rate at 6.15 hours, was presented to the Governing Board.

No public comment was received on Item No. 9.

Board Member Renwick motioned, seconded by Board Member DiBernardo that Item No. 9 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

10. MOU AMONGST POLA, METRO, UPRR, POLB & ACTA – WEST SANTA ANA BRANCH TRANSIT CORRIDOR PROJECT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated December 14, 2023, recommending the approval of a Memorandum of Understanding (MOU) for the proposed West Santa Ana Branch Transit Corridor Project amongst the City of Los Angeles Harbor Department (POLA), the Los Angeles County Metropolitan Transportation Authority (Metro), Union Pacific Railroad Company (UPRR), and the Alameda Corridor Transportation Authority (ACTA), regarding Metro's proposed West Santa Ana Branch Transit Corridor Project, was presented to the Governing Board.

No public comment was received on Item No. 10.

Board Member Cano motioned, seconded by Board Member DiBernardo that Item No. 10 be approved as recommended. Carried by the following vote:

AYES: Cano, Colonna, Cordero, DiBernardo, Renwick, Saro

NOES: None

ABSENT: McOsker

**ADJOURNMENT**

At 10:58 a.m., the meeting was adjourned sine die.