

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 AUGUST 15, 2024 AT 10:00 A.M.

**ROLL CALL**

Members present:

Michael Cano, Los Angeles County Metro

Frank Colonna, Port of Long Beach

Tim McOsker, City of Los Angeles

Alternate members present:

Michael DiBernardo, Port of Los Angeles

Sam Joumblat, Port of Long Beach

I. Lee Williams, Port of Los Angeles

Members absent:

Suely Saro, City of Long Beach

Also present:

Michael Leue, ACTA, Chief Executive Officer

Kevin Scott, ACTA, Chief Financial Officer

Graham Christie, ACTA, Chief Operating Officer

Heather McCloskey, ACTA, Co-General Counsel

Thomas Oh, ACTA, Co-General Counsel

Maria Melendres, ACTA, Governing Board Secretary

The meeting was called to order at 10:01 a.m. by Chair McOsker.

**CLOSED SESSION**

None

**OPEN SESSION**

**B. REPORTS AND PRESENTATIONS**

- MAY 2024 CORRIDOR PERFORMANCE

Michael Leue presented the Corridor performance statistics through May 2024 and included some June and July 2024 information.

(Board Member Cano arrived at 10:05 a.m.)

- ACTA LEGISLATIVE PROGRAM

Michael Leue presented an update on ACTA's Legislative Program.

(Board Member Williams arrived at 10:13 a.m.)

- **ACTA BUDGET PROCESS AND ACTUAL EXPENDITURES**

In response to Commissioner Renwick’s request at the June 20, 2024 Board meeting, Michael Leue presented information on ACTA’s budget process and actual expenditures.

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

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

**C. MINUTES**

ACTA GOVERNING BOARD REGULAR MEETING OF JUNE 20, 2024 – APPROVED.

Minutes of the Regular Meeting of June 20, 2024, of the Governing Board of the Alameda Corridor Transportation Authority, were presented to the Governing Board.

Board Member Colonna motioned, seconded by Board Member Cano that the minutes of the June 20, 2024, Regular Meeting of the Alameda Corridor Transportation Authority be approved as submitted. Carried by the following vote:

AYES: Cano, Colonna, DiBernardo, Joumblat, McOsker, Williams  
NOES: None  
ABSENT: Saro

**D. AGENDA ITEMS**

**Consent Agenda**

1. **MONTHLY FINANCIAL REPORTS AS OF MAY 31, 2024 – RECEIVED AND FILED.**

Communication from Kevin L. Scott, Chief Financial Officer, dated August 15, 2024, recommending that the monthly financial reports as of May 31, 2024, be received and filed, was presented to the Governing Board.

No public comment was received on the Consent Agenda.

Board Member Colonna motioned, seconded by Board Member DiBernardo that Item No. 1 be received and filed. Carried by the following vote:

AYES: Cano, Colonna, DiBernardo, Joumblat, McOsker, Williams  
NOES: None  
ABSENT: Saro

**Regular Agenda**

2. **RESOLUTION NO. JPA 24-1 – ACTA OFFICER POSITIONS – APPROVED AS AMENDED.**

Communication from Michael C. Leue, Chief Executive Officer, dated August 15, 2024, recommending the approval of Resolution No. JPA 24-1 to clarify and affirm the current ACTA Officer Positions, was presented to the Governing Board.

No public comment was received on Item No. 2.

Board Member Joumblat made a motion to approve the resolution to clarify and affirm the current ACTA Officers with a floor amendment directing staff to implement annual or biannual internal audit

controls reporting to the Audit Committee. The motion was seconded by Chair McOsker. Carried by the following vote:

AYES: Cano, Colonna, DiBernardo, Joumblat, McOsker, Williams

NOES: None

ABSENT: Saro

3. ACTA OFFICER AND EMPLOYEE PUBLICLY AVAILABLE PAY SCHEDULE FOR FY 2024/2025 – APPROVED.

Communication from Kevin L. Scott, Chief Financial Officer, and Michael C. Leue, Chief Executive Officer, dated August 15, 2024, recommending the approval and adoption of the Publicly Available Pay Schedule for ACTA's Officers and Employees effective July 1, 2024, was presented to the Governing Board.

No public comment was received on Item No. 3.

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

AYES: Cano, Colonna, DiBernardo, Joumblat, McOsker, Williams

NOES: None

ABSENT: Saro

4. AD HOC COMMITTEE FOR FINANCE PLANNING - APPROVED.

Communication from Michael C. Leue, Chief Executive Office and Kevin L. Scott, Chief Financial Officer, dated August 15, 2024, recommending the approval of the continuation of an Ad Hoc Committee for Finance Planning and Board member appointments, was presented to the Governing Board.

No public comment was received on Item No. 4.

The following nominations were made, Board Member Cano, Board Member Colonna and Board Member Renwick to serve on the Finance Planning Committee. Chair McOsker motioned, seconded by Board Member DiBernardo that the continuation of the committee be approved and to include the appointment of the nominated members. Carried by the following vote:

AYES: Cano, Colonna, DiBernardo, Joumblat, McOsker, Williams

NOES: None

ABSENT: Saro

5. PACIFIC RAILWAY ENTERPRISES, INC. – THIRD AMENDMENT TO AGREEMENT NO. C0889 – RAILROAD SIGNAL AND COMMUNICATION DESIGN & SUPPORT SERVICES – APPROVED.

Communication from Graham M. Christie, Chief Operating Officer, dated August 15, 2024, recommending the approval of the Third Amendment to Agreement No. C0889 with Pacific Railway Enterprises, Inc. for an additional term of 3 years and additional compensation in the amount of \$4,000,000 for the continuation of signal design services and authorize the Chief Executive Office or his designee to execute the amendment, was presented to the Governing Board.

No public comment was received on Item No. 5.

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

AYES: Cano, Colonna, DiBernardo, Joublat, McOsker, Williams  
NOES: None  
ABSENT: Saro

6. DAVCO PROPERTIES, LLC – REAL ESTATE BROKERAGE SERVICES FOR ACTA’S OFFICE LEASE – CONTINUED.

Communication from Kevin Scott, Chief Financial Officer, dated August 15, 2024, recommending the approval of Agreement No. C0924 with DavCo Properties, LLC doing business as DavCo Realty Advisors to provide Real Estate Brokerage Services for ACTA’s office lease, was presented to the Governing Board.

No public comment was received on Item No. 6.

After some discussion, Chair McOsker made a motion to (1) reject the proposal from DavCo Properties, LLC in light of the real estate rule change effective August 13, 2024, and direct staff to go back to the five proposers to ask for additional information in the fee & compensation structure incorporating the new rule; and (2) direct staff to contact the current lessor for information on renewal terms. The motion was seconded by Board Member Williams. Carried by the following vote:

AYES: Cano, Colonna, DiBernardo, Joublat, McOsker, Williams  
NOES: None  
ABSENT: Saro

(Board Member Colonna left the meeting at 11:13 a.m.)

7. WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. –INSURANCE BROKERAGE SERVICES – AGREEMENT NO. C0925 – APPROVED.

Communication from Kevin L. Scott, Chief Financial Officer, dated August 15, 2024, recommending the approval of Agreement No. C0925 with Willis Towers Watson Insurance Services West Inc. for Insurance Services in an amount not to exceed \$500,000 for a five-year term; and authorize the Chief Executive Officer or his designee to execute said agreement, was presented to the Governing Board.

No public comment was received on Item No. 7.

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

AYES: Cano, Colonna, DiBernardo, Joublat, McOsker, Williams  
NOES: None  
ABSENT: Saro

8. PIER B ON-DOCK RAIL SUPPORT FACILITY PROJECT – FINDING OF FACT, STATEMENT OF OVERRIDING CONSIDERATION, AND MITIGATION MONITORING AND REPORTING PLAN – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated August 15, 2024, recommending that the Governing Board (1) approve the Findings of Fact and Statement of Overriding Considerations; (2) adopt the mitigation measures contained in the Mitigation Monitoring and Reporting Plan that pertain to the construction and operations occurring within Alameda Corridor Transportation Authority jurisdiction of the certified Final Environmental Impact Report for the Pier B On-Dock Rail Support Facility Project; and (3) authorize the Chief Executive Officer or his designee to file the Notice of Determination with the Los Angeles County Clerk and the State Clearinghouse, was presented to the Governing Board.

No public comment was received on Item No. 8.

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

AYES: Cano, Colonna, DiBernardo, Joublat, McOsker, Williams

NOES: None

ABSENT: Saro

9. PORT OF LONG BEACH PIER B ON-DOCK RAIL SUPPORT FACILITY LOCOMOTIVE FACILITY TURNOUT AND CROSSOVER CONNECTING TO THE ALAMEDA CORRIDOR – MEMORANDUM OF AGREEMENT – POLA, POLB, UP, BNSF & ACTA – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated August 15, 2024, recommending the approval of the proposed Memorandum of Agreement among the City of Los Angeles Harbor Department (POLA), the Port of Long Beach (POLB), Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF) and ACTA for the On-Dock Rail Support Facility Locomotive Facility Turnout and Crossover Project; and authorize ACTA’s CEO to execute and the Governing Board Secretary to attest to the MOA on behalf of the Governing Board, was presented to the Governing Board.

No public comment was received on Item No. 9.

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

AYES: Cano, Colonna, DiBernardo, Joublat, McOsker, Williams

NOES: None

ABSENT: Saro

#### **ADJOURNMENT**

At 11:32 a.m., the meeting was adjourned sine die.