

MINUTES OF A SPECIAL 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 FEBRUARY 12, 2020 AT 10:00 A.M.

Members present:

Suzie Price, City of Long Beach
Frank Colonna, Port of Long Beach
Mario Cordero, Port of Long Beach
Janice Hahn, Los Angeles County
Metropolitan Transportation Authority

Members participating via conference call:

Edward Renwick, Port of Los Angeles
Gene Seroka, Port of Los Angeles

Members absent:

Joe Buscaino, City of Los Angeles

Also present:

James P. Preusch, ACTA, Interim Chief Executive Officer
Laura Misajon, ACTA, Co-General Counsel

COUNCILMEMBER PRICE PRECIDED AS CHAIR.

The meeting was called to order at 10:21 a.m. Roll call was taken.

CONSENT CALENDAR - ITEM NOS. 1-6

1. MINUTES - ACTA GOVERNING BOARD SPECIAL MEETING OF NOVEMBER 15, 2019 – RECEIVED AND FILED.

Minutes of the Special Meeting of November 15, 2019 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

2. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF DECEMBER 12, 2019 – RECEIVED AND FILED.

Minutes of the Regular Meeting of December 12, 2019 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

3. MONTHLY FINANCIAL REPORTS AS OF NOVEMBER 30, 2019 – RECEIVED AND FILED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending that the monthly financial reports as of November 30, 2019, be received and filed, was presented to the Governing Board.

4. 2020 EMERGENCY FIELD EXERCISE– INFORMATION ITEM.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, with information on the annual Emergency Field Exercise scheduled on March 29, 2020, was presented to the Governing Board.

5. PRELIMINARY BUDGET SCHEDULE – FY 2020/2021 – INFORMATION ITEM.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, with a preliminary budget schedule for Fiscal Year 2020/2021, was presented to the Governing Board.

6. NOVEMBER 2019 PERFORMANCE REPORT – INFORMATION ITEM.

Mr. Preusch stated that the performance report was available in the packet for Board Members as information.

Board Member Colonna motioned, seconded by Board Member Hahn that Consent Items 1-6 be received and filed. A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

7. UPDATE OF THE AD HOC SUCCESSION PLANNING COMMITTEE – INFORMATION ITEM.

Chair Price provided an update on the process. She stated that the Ad Hoc Succession Planning Committee was meeting regularly since the formation of the committee. She stated that the committee has had weekly conference calls with the firm selected to assist with the process. She concluded that the process is going smoothly and the committee is planning to agendize a formal action in regards to the Chief Executive Officer position this spring.

8. RESOLUTION NO. JPA 20-1 – EXTENSION OF THE APPOINTMENT OF JAMES P. PREUSCH TO INTERIM CHIEF EXECUTIVE OFFICER POSITION – APPROVED.

Communication from the Governing Board Ad Hoc Succession Planning Committee, dated February 12, 2020, recommending the approval of Resolution No. JPA 20-1 extending the appointment of James P. Preusch to serve as ACTA's Interim Chief Executive Officer while concurrently performing his responsibilities as Chief Financial Officer until the appointment of a permanent Chief Executive Officer, was presented to the Governing Board.

Board Member Hahn asked if there would be a transition period between the Interim Chief

Executive Officer and the new Chief Executive Officer. Mr. Preusch stated that he hoped there would be a 4-6 week transition period.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

9. RAILWORKS MAINTENANCE – AGREEMENT NO. C0885 – APPROVAL OF CONTRACT MANAGER – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending the approval of Rick McIntosh as the new RailWorks Maintenance Contract Manager under Agreement C0885, was presented to the Governing Board.

Mr. Rick McIntosh addressed the Governing Board and thanked them for their confidence in both himself and RailWorks.

Chair Price stated that she was aware of an issue related to rail grinding and insurance and asked if he could speak to that. Mr. McIntosh responded that RailWorks has the ability to self-perform the rail grinding and that their legal counsel was addressing the insurance issue. Chair Price asked if RailWorks would work with ACTA staff to address the issue and work on a resolution. Mr. McIntosh stated that they would.

Board Member Renwick stated that after the transition to RailWorks, the cost structure was higher than anticipated and the transition itself was not smooth. He asked whether that would continue to be a problem. Mr. McIntosh responded that there were issues during the transition that were not anticipated. He added that most of those issues have been identified and he does not foresee any additional transition issues.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

10. TETRA TECH, INC. – FIRST AMENDMENT TO AGREEMENT NO. C0868 – ENVIRONMENTAL SITE ASSESSMENT & RESTORATION SERVICES – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending: 1) the approval of the proposed first amendment to Agreement No. C0868 with Tetra Tech, Inc. for environmental site assessment and restoration services; and 2) exercise the option to extend the term of the Agreement for three years through June 30, 2023; and 3) authorize the Interim Chief Executive Officer to execute said agreement, was presented to the Governing Board.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

11. OCEAN BLUE ENVIRONMENTAL SERVICES, INC. – FOURTH AMENDMENT TO AGREEMENT NO. C0869 – EMERGENCY RESPONSE AND HAZARDOUS WASTE MANAGEMENT SERVICES – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending: 1) the approval of the proposed fourth amendment to Agreement No. C0869 with Ocean Blue Environmental Services, Inc. for emergency response and hazardous waste management services and add \$100,000; and 2) exercise the option to extend the term of the Agreement for three years through June 30, 2023; and 3) authorize the Interim Chief Executive Office to execute said agreement, was presented to the Governing Board.

Chair Price stated that she is in support of increasing the contract value. She stated the importance of remaining vigilant and asked that ACTA be proactive were possible in the Corridor area.

Mr. Cordero asked that there be a discussion as to what has caused the increase of the contract from \$50,000 to now \$300,000.

After some discussion of the homeless encampment problems and the need to clean the Corridor area, Board Member Renwick stated that ACTA is a railroad with a small staff and dealing with homeless encampments is not an area of expertise for ACTA. He stated that there is not much more we can ask of ACTA when dealing with this massive social problem, other than being compassionate and coordinating with the resources available. He concurred with Board Member Cordero for the need to re-bid contracts, when necessary. However, the amount of this contract is less than one quarter of one percent of the cost structure.

(Due to technical difficulty, the phone line for Mr. Renwick was disconnected. It was reconnected for discussion of Item 12.)

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino, Renwick

12. COURTNEY TORRES CONSULTING, INC. – FIRST AMENDMENT TO AGREEMENT NO. C0866 – MEDIA RELATIONS SERVICES – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending: 1) the approval of the proposed first amendment to Agreement No. C0866 with Courtney Torres Consulting, Inc. for media relations services and add \$250,000; 2) exercise the option to extend the term of the Agreement for three years through June 30, 2023; and 3) authorize the Interim Chief Executive Officer to

execute said amendment, was presented to the Governing Board.

Board Member Hahn stated that Courtney Torres Consulting, Inc. is a great firm that can be utilized to position ACTA in a good light. She encouraged staff to utilize their services more.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

13. ACTA INVESTMENT POLICY– APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending that the Board reconfirm the ACTA Investment Policy for non-bond funds, was presented to the Governing Board.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

14. RENEWAL OF INSURANCE COVERAGE FOR 2020-2021 – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending that the Board authorize the Interim Chief Executive Officer to: 1) negotiate and accept the recommendations of Willis Towers Watson (Willis), ACTA's Broker of Record, for placement of required insurance for the period of April 15, 2020 through April 14, 2021; and 2) bind insurance, on behalf of ACTA, in accordance with the recommendations of Willis, was presented to the Governing Board.

Board Member Renwick asked whether the coverages were changed. Mr. Preusch responded that we begin with the coverage parallel to what we had in the prior year. He stated that the railroads then decide on the coverage based on the premiums. This year the railroads have asked that the coverage amounts be increased. Willis is indicating a 15-20 percent increase in some of the premiums. Because the railroads pay approximately 80 percent of the premiums through the Maintenance & Operating provision, they take the lead on what coverages ACTA maintains. He added that the thresholds are also mandated by bond covenant provisions as well. Board Member Renwick asked that we monitor the coverages so that we are properly protected.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

15. ALAMEDA CORRIDOR ENGINEERING TEAM – FY21 SUPPORT SERVICES – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending that the Board authorize staff to include the engagement of the Alameda Corridor Engineering Team in the FY21 budget preparation process for ACTA's continued use of ACET's engineering and specialized services, was presented to the Governing Board.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

16. RESOLUTION NO. JPA 20-2 – THIRD AMENDMENT TO CALTRANS COOPERATIVE AGREEMENT NO. 07-4872 FOR SEGMENT 1 OF SR-47 PROJECT – APPROVED.

Communication from James P. Preusch, Interim Chief Executive Officer, dated February 12, 2020, recommending: 1) the adoption of Resolution No. JPA 20-2 approving Amendment No. 3 to District Agreement No. 07-4872 with the California Department of Transportation, increasing the not-to-exceed budget for ROW support services to be provided by ACTA during and after the construction of Segment 1 of the SR-47 Project; and 2) the authorization of the Interim Chief Executive Officer to execute the amendment, was presented to the Governing Board.

Board Member Renwick asked whether the agreement allows for overhead reimbursements. Mr. Preusch responded that those provisions were not included in the original agreement and that Caltrans would not allow for those provisions to be included in the amendment. He stated that at this time, it is anticipated that the project would be completed in August and closed out by December 2020.

Ms. April See, Controller, stated that for this cooperative agreement, since subcontractors are being utilized for services, we do not fall under the rules of Caltrans to seek an overhead rate. She added that the consultant fees are fully reimbursed.

A roll call vote was taken.

AYES: Colonna, Cordero, Hahn, Price, Renwick, Seroka

NOES: None

ABSENT: Buscaino

17. PUBLIC COMMENT ON NON-AGENDA ITEMS

18. ADJOURNMENT

At 11:14 a.m., the meeting was adjourned sine die.