

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, AUGUST 16, 2007, AT 8:30 A.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

**BOARD OF HARBOR COMMISSIONERS
President S. David Freeman
Vice President Jerilyn López Mendoza
Commissioner Kaylynn L. Kim
Commissioner Douglas P. Krause
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS
OF THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD
IN CONNECTION WITH ANY AGENDA ITEM OR DURING
THE PUBLIC COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS
LIMITED EACH INDIVIDUAL'S SPEAKING TIME TO THREE
MINUTES. ANYONE DESIRING TO SPEAK DURING THE
PUBLIC COMMENT PERIOD IS REQUESTED TO COMPLETE
A SPEAKER CARD AND SUBMIT IT TO THE COMMISSION
SECRETARY, VIA THE SERGEANT AT ARMS, PRIOR TO THE
START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. PRESENTATIONS

1. **CRA Loan Presentation – Deputy Executive Director
Molly Campbell**

F. BOARD COMMITTEE REPORTS

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meeting of the Los Angeles Board of Harbor Commissioners of June 21, 2007, and Special Meeting of July 5, 2007, for approval.

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H. SPECIAL ORDER OF THE DAY

Public Hearing

1a. ISSUANCE OF A LEVEL III COASTAL DEVELOPMENT PERMIT TO REPLACE FOUR GANTRY CRANES WITH FOUR NEW GANTRY CRANES AT BERTH 214

Public hearing to receive comments pursuant to the California Coastal Act of 1976, as amended, and the Port of Los Angeles certified Port Master Plan (PMP); and to approve a Level III Coastal Development Permit to Yusen Terminals to replace four gantry cranes with four new gantry cranes at Berth 214.

I. REPORTS OF THE EXECUTIVE DIRECTOR

Regular Item No. 1

Planning and Research

1b. Re: LEVEL III COASTAL DEVELOPMENT PERMIT TO REPLACE FOUR GANTRY CRANES WITH FOUR NEW GANTRY CRANES AT BERTH 214

SUMMARY: Yusen Terminals, Inc. (YTI) is proposing to replace four gantry cranes with four new cranes at their terminal at Berth 214. The new cranes have a longer outreach allowing YTI to offload container vessels without having to turn vessels around to work both sides. No additional cargo throughput is expected from the proposed project. A Level III, non-appealable Coastal Development permit is required for this project.

Recommendation: Board resolve that (1) a public hearing be held for the proposed Level III Coastal Development Permit; and (2) upon closure of the public hearing, a Level III, non-appealable Coastal Development Permit (CDP No. 07-04) for the replacement of four cranes with four new cranes at Yusen Terminals be approved, subject to the standard conditions set forth in the permit, and the Director of Planning and Research be directed to issue said permit.

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Consent Items (2-10)

Real Estate Division

2. Re: PROPOSED ASSIGNMENT OF PERMIT 750 FROM
SIMS HUGO NEU, ET AL., TO SA RECYCLING

SUMMARY: Permit 750 grants Sims Hugo Neu 25.46 acres at Berths 210-211 for the purpose of processing and shipping scrap metal. Permit 750 is a 30-year permit, expiring on August 30, 2024. Sims Hugo Neu is proposing a merger with Adams Steel of Anaheim. Adams Steel supplies 50% of the raw product currently being processed at the facility and has been a long time business partner of Sims Hugo Neu. This proposed merger and assignment of lease will create a new entity known as SA Recycling LLC. It is requested that the Board of Harbor Commissioners approve the assignment of Permit 750 from Sims Hugo Neu, et al., to SA Recycling LLC.

Recommendation: Adoption of the Order consenting to the assignment of Permit 750 to SA Recycling LLC from Sims Hugo Neu, et al.

3. Re: PROPOSED REINSTATEMENT OF THE ACQUISITION
PROGRAM COVERING PRIVATELY-OWNED
PROPERTY IN EAST WILMINGTON AND
ACQUISITION OF PROPERTY LOCATED AT 815
NORTH HENRY FORD AVENUE

SUMMARY: The East Wilmington area is bordered by Anaheim Street on the south, the Dominguez Channel on the east, the Alameda Corridor on the north, and Alameda Street on the west, as shown on the attached East Wilmington map. The area is primarily comprised of heavy use industrial property, which is regarded as potentially beneficial for relocation of Port tenants related to warehousing and open storage purposes which do not require waterfront locations.

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3. (Continued)

The Port of Los Angeles (Port) began acquiring property in East Wilmington in 1982 under a voluntary acquisition program that has been modified several times over the past 24 years. A Board Resolution was adopted on April 5, 1994, which directed staff to deactivate the program until a long-term, port-related use was identified. Staff now has a proposed long-term project for this area, which will maximize returns on current holdings, aesthetically improve a blighted area, and provide relocated facilities for current Port tenants.

Recently, property located at 815 North Henry Ford Avenue in Wilmington, described as Lot 6, in Block 27 of Tract No. 2016, was offered for sale to the Port. It is proposed to acquire the privately-owned property as part of the voluntary purchase program of properties in East Wilmington.

Recommendation: Board resolve that (1) the acquisition program of privately-owned properties in East Wilmington be reinstated as an active program; (2) the Resolution authorizing the acquisition of the property located at 815 North Henry Ford Avenue in Wilmington, described as Lot 6 in Block 27 of Tract 2016, for a purchase price of \$158,750, which includes an additional \$2,750 (approximately) for escrow and title fees be adopted; and (3) the Executive Director be authorized to execute the Agreement and Joint Escrow Instructions for the Acquisition of the Real Property and all other documents necessary to complete the transaction between Henry J. Leason as the Seller and the Port as the Buyer. First American Title Insurance Company is the escrow holder.

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Construction Division

4. Re: CONTRACT COMPLETION – CONTRACT NO. 2236
WITH GRIFFITH COMPANY - BERTHS 121-131
(YANG MING TERMINAL) CONCRETE TRANSTAINER
RUNWAYS, SPECIFICATION NO. 2676

SUMMARY: The Board of Harbor Commissioners awarded the Berths 121-131 (Yang Ming Terminal) Concrete Transtainer Runways contract to Griffith Company on April 5, 2006, in the amount of \$2,882,120. Construction commenced on June 12, 2006 and was completed on March 5, 2007. Authority for Adjustment (AFA) Nos. 1 through 8 decreased the contract amount by \$642,207.47. The Board is requested to accept the subject contract as complete. The final revised contract amount is \$2,239,912.53, 22.28% lower than the original contract amount. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) the Summary of Authority for Adjustment (AFA) Nos. 1 through 7 showing a net increase to the contract amount of \$148,478.78 be received and ordered filed; (2) AFA No. 8 for a decrease in the contract amount of \$790,686.25 resulting in a net contract amount of \$2,239,912.53 be approved; and (3) the subject contract be formally accepted as complete.

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**5. Re: AWARD OF CONTRACT – CRANE RELOCATIONS AND
DEMOLITIONS, SPECIFICATION NO. 2702**

SUMMARY: This project consists of the relocation and demolition of two obsolete 50-foot gauge Paceco Panamax Gantry Container Cranes, Nos. 209-3 and 209-34, and the removal and demolition of one obsolete 34-foot gauge Paceco Mitsui Gantry Container Crane No. 209-25. The low bidder is Marine Technical Services, Inc., located at 211 N. Marine Ave., Wilmington, California. The contract amount plus contingency is \$1,466,500 and the contract duration is 156 calendar days.

Recommendation: Board resolve that (1) the above-mentioned contract for Item Nos. 1 through 5 of the proposal schedule be awarded to Marine Technical Services, Inc. in the amount of \$1,257,826; that a 15% contingency, not included in the original contract amount, be applied for a total authorized amount of \$1,446,500; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 156 calendar days from the Notice to Proceed; (2) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (3) in accordance with City Charter 655(g), the Board delegate and authorize the Executive Director to accept the construction contract upon its completion.

Planning & Research

**6. Re: APPROVAL OF CHANGE TO THE MEMBERSHIP OF
THE PORT OF LOS ANGELES COMMUNITY ADVISORY
COMMITTEE**

SUMMARY: The Board of Harbor Commissioners is being asked to approve changes in membership to the Port of Los Angeles Community Advisory Committee for the Wilmington Neighborhood Council representatives.

Recommendation: Board resolve that the following appointments to PCAC be approved: 1) Donna Ethington, as a Wilmington Neighborhood Council voting member and Marcus Perez, as her alternate member; and 2) Dennis McCarbery, as a Wilmington Neighborhood Council voting member, and Arthur Hernandez as his alternate member.

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Engineering Division

7. Re: AMENDMENT NO. 1 - PERSONAL SERVICES AGREEMENT NO. 2348 BETWEEN THE CITY OF LOS ANGELES AND EDAW INC., FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR THE SAN PEDRO WATERFRONT

SUMMARY: Agreement No. 2348 between the Port of Los Angeles and EDAW, Inc., San Francisco, CA, to provide landscape architectural and engineering design services for the San Pedro Waterfront Enhancements program was approved by the Board of Harbor Commissioners on September 15, 2004 with an amount not-to-exceed \$4,594,390 in payments to the Consultant for work completed through July 2007. Amendment No. 1 in the amount of an additional \$957,165 will allow the Port to extend the agreement duration an additional 1-year for a total term of 4-years, and for an amount not-to-exceed \$5,595,488. The additional services included in Amendment No. 1 are to develop plans, specifications, and estimates for the Cabrillo Beach Waterfront Enhancements, and to provide engineering services during construction for the San Pedro Waterfront Enhancements.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, the work covered under this Amendment can be performed more economically or feasibly by EDAW, Inc. (current project consultant) rather than by City employees; (2) Amendment No. 1 to Agreement No. 2348 with EDAW, Inc., San Francisco, CA, extending the agreement duration by one year for a total term of four years, and a not-to-exceed amount of \$5,595,488, be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Amendment for and on behalf of the Board; (4) the attached Order approving Amendment No. 1 to Agreement No. 2348 with EDAW, Inc., a Delaware Corporation be adopted; and (5) the Board Secretary be authorized and directed to forward the amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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8. Re: PORT OF LOS ANGELES GREEN BUILDING POLICY

SUMMARY: This resolution proposes a Port of Los Angeles policy that shows a commitment to maintaining a leadership role for the advancement of sustainable practices in buildings. In response to an Executive Directive by the Mayor, this policy establishes an aggressive green building program, promotes the incorporation of creative technologies, and dedicates resources to innovation. The resolution utilizes sustainable building design and construction guidelines based on the United States Green Building Council – Leadership in Energy and Environmental Design (USGBC – LEED) Green Building Rating System. The resolution adopts the stewardship practices of the City of Los Angeles and surpasses those expectations by maintaining a minimum LEED Gold Rating and incorporating additional energy and water efficiency elements to newly constructed buildings identified by the resolution. The Port will incorporate solar panels and the best available technology for energy and water conservation. It also proposes to evaluate all existing buildings for their applicability to the LEED EB (Existing Building) standards. The Port will also maintain a staff dedicated to the advancement and continuous refinement of its sustainable building practices. Buildings impacted by this policy may have increased construction costs.

Recommendation: Board resolve that the Port of Los Angeles Green Building Policy which: a) outlines the environmental goals for newly constructed and existing buildings; b) dictates the incorporation of solar power, and efficient energy and water technologies; c) dedicates staffing for the advancement and refinement of sustainable building practices; and d) maintains communication with other City Departments for the benefit of the community, be adopted.

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Accounting & Budget

9. Re: AWARD OF CONTRACT NO. 39385 FOR THE PURCHASE AND MAINTENANCE OF COMPUTER SOFTWARE FOR THE BUDGET SYSTEM, BID #F-542, TO INFOR GLOBAL SOLUTIONS (MICHIGAN), INC.

SUMMARY: The Board is requested to approve the purchase and installation of a new Budget System software from Info Global Solutions (Michigan), Inc. ("Infor"), 13560 Morris Road, Suite 4100, Alpharetta, GA 30004. Infor is a provider of the Department's current accounting and financial reporting system, otherwise known as GEAC. This vendor is selected as a sole source provider due to the ease of data integration with the proposed budget system and GEAC and its ability to meet the short time frame to install the budget system in the upcoming budget cycle starting this November. The current budget system's software and hardware are outdated and no longer supported by the developers. It requires manual conciliation and validation of information, and the manual creation of files for analysis, comparative review and reporting, exposing the Department to risk of errors and data corruption. The proposed system will provide a seamless transition and data integration with the current financial system, provide remote access, eliminate staff time required to manually manipulate information, while improving analysis and reporting. The total cost of \$476,445 plus sales taxes, includes \$210,000 for the software license, \$214,445 for installation and training, and \$52,000 for one year of support and maintenance. This is a stop gap measure to address an immediate critical need, but the Port is developing a long term strategic plan to address its information technology issues.

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9. (Continued)

Recommendation: Board resolve that (1) approval be granted for awarding Contract No. 39385, Bid #F-542 for the purchase and installation of budget software to Infor Global Solutions (Michigan), Inc. ("Infor"), 13560 Morris Road, Suite 4100, Alpharetta, GA 30004, in the amount of \$476,445 plus sales taxes; and (2) the Executive Director, or the designee, be authorized to execute said contract on behalf of the Board of Harbor Commissioners.

Information Systems

10. Re: AWARD OF A CONTRACT TO APEX COMPUTER SYSTEMS, INC. CERRITOS, CALIFORNIA, FOR ON-SITE COMPUTER HARDWARE MAINTENANCE

SUMMARY: An award for a three-year contract to Apex Computer Systems, Inc., a small business, for ongoing on-site computer hardware maintenance, repair and related services. The Port currently has a wide variety of computer equipment, including more than 650 personal computers and servers, along with their associated monitors, scanners and peripherals. On-site service is necessary in order to maintain the security of port data residing on computer hard drives and to insure timely repairs. The proposed contract will replace an existing three-year contract with CC-Ops, Inc., in the amount of \$345,000 that will expire on August 31, 2007. The increase in the amount of the proposed contract is requested because the volume of computer hardware that must be maintained has increased by approximately 45% since the prior contract was negotiated, and will continue to grow over the life of the proposed contract. Funds in the amount of \$125,000 were allocated for computer hardware maintenance in the Information Technology Division's FY 07/08 budget for the first ten months of the contract from September, 2007 through June 30, 2008. The total amount for the contract will not exceed \$450,000.

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10. (Continued)

Recommendation: Resolve that (1) the Board find that in accordance with Section 1022 of the Los Angeles City Charter, it is more feasible for computer maintenance and repair services to be performed by independent contractors than by City employees; (2) a contract be awarded to Apex Computer Systems, Inc., Cerritos, California, for computer hardware maintenance and related services in an amount not to exceed \$450,000; (3) the Executive Director be authorized to authorize changes to the agreement as necessary to provide for changing maintenance, service and repair needs over the term of the contract. A change executed by the Executive Director will under no circumstances affect the length of the contract, or increase the annual compensation allowed under the contract more than \$150,000; and (4) the Executive Director be authorized to execute said contract on behalf of the Board of Harbor Commissioners.

J. **CLOSED SESSION**

1. Discussion of pending litigation entitled: **The United States of America ex rel. State of California ex rel. Stanley D. Mosler v. City of Los Angeles, et al.,** United States District Court Case No. 02-02278-SJO, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

2. Discussion of pending litigation entitled: **Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al.,** Los Angeles Superior Court Case No. BS070017, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

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J. CLOSED SESSION (Continued)

3. Instructions to negotiators relating to lease negotiations with TraPac, Inc. concerning a terminal permit for Berths 136-147, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiators for TraPac will be Frank Pisano and Scott Axelson. The negotiators for the Port of Los Angeles will be Kathryn McDermott and Michael Galvin.

ADJOURNMENT

Adjournment in memory of Marlena Mattfeld, daughter of Deputy City Attorney Kenneth F. Mattfeld, who passed away on Monday, August 13, 2007 at the age of 11.