

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
WEDNESDAY, SEPTEMBER 6, 2006, AT 8:30 A.M.
BOARD HEARING ROOM, SECOND FLOOR
425 S. PALOS VERDES STREET
SAN PEDRO, CALIFORNIA**

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

(ROLL CALL)

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 MUST 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.

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, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend. For additional information, please contact: Commission office, Harbor Department, tel./TDD (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC

C. MISCELLANEOUS REPORTS

1. Report of the Executive Director
 - Presentation on Status of Bridge to Breakwater Project
2. Report of Commissioners

D. PRESENTATIONS/BRIEFINGS

1. Cruise Ship Presentation

E. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meeting of August 2, 2006 and special meeting of August 16, 2006 for approval.

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F. SPECIAL ORDER OF THE DAY

Public Hearing

**1a. ISSUANCE OF A LEVEL III COASTAL DEVELOPMENT
PERMIT FOR LIGHTING IMPROVEMENTS AT APL ON PIER
300, TERMINAL ISLAND**

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 the Port of Los Angeles for lighting improvements at APL on Pier 300, Terminal Island.

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G. REPORTS OF THE EXECUTIVE DIRECTOR

Planning & Research

1b. Re: LEVEL III COASTAL DEVELOPMENT PERMIT FOR
LIGHTING IMPROVEMENTS AT APL ON PIER 300,
TERMINAL ISLAND

SUMMARY: The Port of Los Angeles is proposing to improve the lighting on the container terminal at APL on Pier 300 in order to reduce glare and light pollution. A Level III Coastal Development Permit is required. The proposed project was developed in response to the Port Community Advisory Committee (PCAC) Motion 30 (LAN-001), approved by the PCAC on August 17, 2004, to update the lighting on Pier 300.

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 Coastal Development Permit 06-07 for lighting improvements at APL on Pier 300 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 (2-13)

Construction

2. Re: CONTRACT COMPLETION – BERTHS 93C-94 BOARDWALK – CONTRACT NO. 2222 WITH SULLY-MILLER CONTRACTING COMPANY SPECIFICATION NO. 2631A

SUMMARY: On June 9, 2004, the Board of Harbor Commissioners awarded the Berths 93C-94 Boardwalk contract to Sully Miller Contracting Company for \$6,319,153. The construction commenced on July 19, 2004 and was completed in 532 calendar days on December 31, 2005. Authority for Adjustment Nos. 1 through 40 increased the contract amount by \$1,849,106.28. The final adjusted contract amount is \$8,168,259.28, approximately 29.26 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment Nos. 1 through 40 showing a net increase to the contract amount of \$1,849,106.28 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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3. Re: CONTRACT COMPLETION – BERTHS 118-119 WHARF
REHABILITATION – CONTRACT NO. 2227 WITH
JOHN S. MEEK CO., INC., SPECIFICATION NO. 2632

SUMMARY: On March 23, 2005, the Board of Harbor Commissioners awarded the Berths 118-119 Wharf Rehabilitation contract to John S. Meek Co., Inc. for \$2,618,925. The construction commenced on June 22, 2005 and was completed in 359 calendar days on June 15, 2006. Authority for Adjustment Nos. 1 through 21, increased the contract amount by \$97,508.10. The final revised contract amount is \$2,716,433.10, approximately 3.72 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment Nos. 1 through 20 showing a net increase to the contract amount of \$283,997.75 be received and ordered filed; (2) Authority for Adjustment No. 21 for a decrease in the contract amount of \$186,489.65 be approved; and (3) the subject contract be formally accepted as complete.

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4. Re: CONTRACT COMPLETION – BERTHS 212-216
ALTERNATIVE MARITIME POWER (AMP) RETROFIT –
CONTRACT NO. 2228 WITH CSI ELECTRICAL
COMPANY, SPECIFICATION NO. 2644

SUMMARY: On March 23, 2005, the Board of Harbor Commissioners awarded Berths 212-216 Alternative Maritime Power (AMP) Retrofit contract to CSI Electrical Company for \$1,082,000. The construction commenced on June 6, 2005, and was completed in 240 calendar days on January 31, 2006. Authority for Adjustment Nos. 1 through 15 increased the contract amount by \$197,284.25. The final adjusted contract amount is \$1,279,284.25, approximately 18.23 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authorities for Adjustment Nos. 1 through 15 showing a net increase to the contract amount of \$197,284.25 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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5. Re: CONTRACT COMPLETION – FISH HARBOR BUILDING
DEMOLITION AND SITE IMPROVEMENTS –
CONTRACT NO. 2231 WITH VIKING EQUIPMENT
AND J & G INDUSTRIES, JV, SPECIFICATION NO.
2614

SUMMARY: On November 9, 2005, the Board of Harbor Commissioners awarded the Fish Harbor Building Demolition and Site Improvements contract to Viking Equipment and J & G Industries, JV for \$595,000. The construction commenced on March 6, 2006 and was completed in 89 calendar days on June 2, 2006. Authority for Adjustment Nos. 1 through 8 decreased the contract amount by \$6,524.40. The final revised contract amount was decreased to \$588,475.60, approximately 1.10 percent lower than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment (AFA) Nos. 1 through 8 showing a net decrease to the contract amount of \$6,524.40 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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6. Re: CONTRACT COMPLETION – BERTHS 401-406
BACKLAND IMPROVEMENTS – CONTRACT NO. 2233
WITH SULLY-MILLER CONTRACTING CO.,
SPECIFICATION NO. 2659

SUMMARY: On December 12, 2005, the Board of Harbor Commissioners awarded the Berths 401-406 Backland Improvements contract to Sully-Miller Contracting Co. for \$3,286,800. The construction commenced on January 30, 2006 and was completed in 83 calendar days on April 22, 2006. Authority for Adjustment Nos. 1 through 11 increased the contract amount by \$99,533.45. The final revised contract amount is \$3,386,333.45, approximately 3.03 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment (AFA) Nos. 1 through 11 showing a net increase to the contract by the amount of \$99,533.45 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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7. Re: CONTRACT COMPLETION – PIER 400 PHASE II
MARINE OPERATIONS BUILDING – CONTRACT NO.
2219 WITH MERCO CONSTRUCTION ENGINEERS,
INC., SPECIFICATION NO. 2593

SUMMARY: On October 22, 2003, the Board of Harbor Commissioners approved the Pier 400 Phase II Marine Operations Building construction contract with Merco Construction Engineers, Inc. for \$1,263,170. The construction commenced on December 2, 2003, and was completed in 180 calendar days on May 29, 2004. Authority for Adjustment No. 1 increased the contract amount by \$17,431.45. The final revised contract amount is \$1,280,601.45, approximately 1.01 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment (AFA) No. 1 showing a net increase to the contract amount of \$17,431.45 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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8. Re: CONTRACT COMPLETION – PIER 400 BACKLAND-
PHASE 2 – CONTRACT NO. 2212 WITH SULLY-
MILLER CONTRACTING COMPANY, SPECIFICATION
NO. 2591

SUMMARY: The Board of Harbor Commissioners awarded Contract No. 2212 (Pier 400 Backland Phase 2) to Sully-Miller Contracting Company on February 24, 2003 in the amount of \$29,865,750. Construction commenced on April 28, 2003 and was substantially completed on September 15, 2004. Authority for Adjustment Nos. 1 thru 38, increased the contract amount by \$164,679.16. The revised contract amount is \$30,030,429.16, approximately 0.55 percent higher than the original contract amount. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment Nos. 1 through 37 showing an increase to the contract amount of \$1,423,568.86 be received and ordered filed; (2) Authority for Adjustment (AFA) No. 38 for a decrease in the contract amount of \$1,258,889.70, resulting in a net increase to the contract by \$164,679.16, be approved; and (3) the subject contract be formally accepted as complete.

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9. Re: CONTRACT COMPLETION – 2002-2003 SITE IMPROVEMENTS – CONTRACT NO. 2206 WITH SULLY-MILLER CONTRACTING COMPANY, SPECIFICATION NO. 2582

SUMMARY: The Board of Harbor Commissioners awarded the 2002-2003 Site Improvements contract to Sully-Miller Contracting Company on April 10, 2002 in the amount of \$14,452,125. Construction commenced on May 10, 2002 and was completed on May 9, 2005. The revised contract amount is increased to \$18,182,655.49, approximately 25.81 percent higher than the original contract amount. The Board is requested to accept the project as complete. There are no outstanding claims or issues remaining.

Recommendation: Board resolve that (1) Authority for Adjustment (AFA) Nos. 1 through 157, 159 through 209, 211, 213, and 215 through 221 showing a net increase to the contract amount of \$9,510,297.11 be received and ordered filed; (2) AFA Nos. 158, 210, 212, 214 and 222 for an aggregate decrease of \$5,779,766.62 be approved, and Supplemental Agreement No. 1 to increase the contract limitation on changes from 25 percent to 25.81 percent of the contract bid amount be approved and payment authorized; and (3) the subject contract be formally accepted as complete.

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Marketing

10. Re: RESOLUTION FOR EXPANSION APPLICATION TO
THE FOREIGN-TRADE ZONES BOARD

SUMMARY: We are requested by Tejon Ranch to expand our FTZ 202 to include their site. This site is 177 acres located in Lebec, California.

A Foreign-Trade Zone (FTZ) is restricted-access site located in or near a U.S. Customs port of entry which, for Customs purpose, is considered outside the United States. In an FTZ, Duty-free treatment is accorded items that are re-exported and duty payment is deferred on items sold in the U.S. market.

The purpose of this application is to seek expansion of the Port of Los Angeles Foreign-Trade Zone No. 202 in order to add this 177-acre site in our zone. This expansion will allow IKEA, which is located within Tejon Ranch and is one of the Port's largest containerized cargo importers, to expand their FTZ operations. The proposed resolution is an administrative requirement of the Foreign-Trade Zones Board. The FTZ expansion application for Tejon Ranch must contain this resolution.

Recommendation: Adoption of the Resolution authorizing the Executive Director or her designee to sign the Expansion Application for Tejon Ranch to the Foreign-Trade Zones Board.

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Real Estate

11. Re: PROPOSED ORDER SETTING COMPENSATION UNDER PERMIT NO. 705 WITH BP WEST COAST PRODUCTS COMPANY LLC AND ARCO TERMINAL SERVICES CORPORATION

SUMMARY: Under the terms of Permit No. 705, BP West Coast Products Company LLC and Arco Terminal Services Corporation are granted the authority to use Port of Los Angeles (Port) property in the Classification Yard, adjacent to Sepulveda Blvd., for surface and subsurface pipeline right-of-way purposes. The purpose of this request is to set the compensation for the period commencing May 21, 2001, and ending May 20, 2006.

Recommendation: Adoption of Order setting compensation under Permit No. 705 with BP West Coast Products Company LLC and ARCO Terminal Services Corporation at \$21,561 per year for the period commencing May 21, 2001, and ending May 20, 2006.

12. Re: PROPOSED ORDER SETTING COMPENSATION UNDER PERMIT NO. 309 WITH CONOCOPHILLIPS COMPANY

SUMMARY: Under the terms of Permit No. 309, ConocoPhillips Company (Conoco) is granted the authority to use Port of Los Angeles (Port) property in the Classification Yard, northerly and southerly of Pacific Coast Highway, in Wilmington for subsurface pipeline right-of-way purposes for a fifty-year term commencing June 13, 1976. The purpose of this request is to set the compensation for the five-year period commencing June 13, 2006, and ending June 12, 2011.

Recommendation: Adoption of Order setting compensation under Permit No. 309 with ConocoPhillips at \$27,390 per year for the period commencing June 13, 2006 and ending June 12, 2011.

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Treasury Management

13. Re: RESOLUTION APPOINTING CHIEF ACCOUNTING
EMPLOYEE

SUMMARY: Pursuant to the provisions of Section 600(b) and Section 504(b) of the City Charter of Los Angeles (the "Charter"), the Board of Harbor Commissioners as head of the Harbor Department (the "Department") is being requested to appoint a Chief Accounting Employee for the Department and to appoint Acting Chief Accounting Employees pursuant to Charter Section 512 of the Charter.

Recommendation: Adoption of the Resolution updating persons appointed to serve as Acting Chief Accounting Employee.

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Regular Item (No. 14 & 15)

Construction

14. Re: AWARD OF CONTRACT – CONTAINER CRANE RELOCATIONS AND DRIVE UPGRADE, SPECIFICATION NO. 2658A

SUMMARY: This project consists of the relocation, modification and certification of two 50-foot gauge rail gantry container cranes (IHI Crane Nos. 209-9 & 209-10) from Berth 145 to Berths 174-176 to be used by Pasha. Trapac, the tenant at Berth 145, does not need these cranes. These two cranes will replace two less efficient cranes which have been sold and will be removed from the terminal by the buyer. Additionally, the project requires the removal of existing crane drive systems and installation of new main hoist/gantry and trolley/boom hoist drive systems on Hitachi Crane No. 209-15. This replacement is necessary, because the current drive system can not be serviced as parts are no longer available. The Port is assuming all financial obligations for the work. The apparent low bidder is Rigging International, located at 1210 Marina Village Parkway in Alameda, CA. The contract amount is \$2,039,500, and the contract duration is 202 calendar days.

Recommendation: Resolve that (1) the contract for the Container Crane Relocations and Drive Upgrade for Item Nos. 1 through 4 of the proposal schedule be awarded to Rigging International in the amount of \$2,039,500 and payment be authorized from the Harbor Department Construction Account. The contract time for performance of work shall be 202 calendar days from the Notice to Proceed; and (2) in accordance with City Charter 655(g), the Board delegate and authorize the Executive Director to accept the construction contract upon its completion.

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15. Re: AWARD OF CONTRACT – BERTH 212 TICTF
UNDERGROUND FIRE HYDRANT VALVE PIT COVER
REPLACEMENT, SPECIFICATION NO. 2668A

SUMMARY: This project consists of removing and replacing eight existing underground fire hydrant valve pit covers at the Terminal Island Container Transfer Facility (TICTF) with heavy duty valve pit covers. The existing valve pit covers are in deteriorated condition and in need of replacement. The apparent responsible bidder for this project is W. W. Stephenson Co. located at 1305 E. Burnett Street, Signal Hill, CA 90755. The contract amount is \$351,000 and the contract duration is 150 calendar days.

Recommendation: Resolve that (1) the Board find that W.A. Rasic Construction Company, Inc. did not meet the requirements for performance of a good faith outreach effort in accordance with the Minority Business Enterprise (MBE)/Women Business Enterprise (WBE)/Other Business Enterprise (OBE) program set forth in the contract specifications; (2) the above mentioned contract for Item Nos. 1 through 3 of the proposal schedule be awarded to W. W. Stephenson Co. in the amount of \$351,000 and payment be authorized from the Harbor Department Construction Account. The contract time for performance of the work will be 150 calendar days from the Notice to Proceed; 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.

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G. 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: City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: ExxonMobil Oil Corp. v. Board of Harbor Commissioners, et al., United States District Court Case No. CV-01-07044, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
4. Instructions to negotiators relating to lease negotiations with the Port of Los Angeles High School concerning proposed Lease No. 867, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for the Port of Los Angeles High School will be Jim Cross. The negotiator for the Port of Los Angeles will be Geraldine Knatz, Ph.D.

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G. CLOSED SESSION (Continued)

5. Instructions to negotiators relating to lease negotiations with the Boys & Girls Club of San Pedro dba The Port of Los Angeles Boys & Girls Club concerning Permit No. 837, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for the Port of Los Angeles will be Geraldine Knatz, Ph.D. The negotiator for the Port of Los Angeles Boys & Girls Club will be Mike Lansing.
6. Discussion with legal counsel concerning significant exposure to litigation (one case) pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.
7. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [one (1) potential case].
8. Evaluation of Executive Director pursuant to Section 54957 of the California Government Code.
9. Consultation with Chief of Police Ron Boyd with respect to matters posing a threat to public buildings, public services or facilities, pursuant to California Government Code Section 54957.