

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, DECEMBER 7, 2006, AT 6:00 P.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

**Terminal Island Concepts
PCAC Update**

2. Report of Commissioners

D. PRESENTATION

1. Discussion on Contracting Procedures

- **Mike Christensen, Director of Port Development**
- **Margie Hernandez, Director of Contracts and Purchasing**

E. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**Minutes of the regular meetings of October 19, 2006,
November 2, 2006 and November 16, 2006 for approval.**

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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1- 12)

Real Estate Division

1. Re: **AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS COVERING THE STATE'S "ABANDONED WATERCRAFT ABATEMENT FUND-GRANT PROGRAM" FOR THE REMOVAL, STORAGE AND DISPOSAL OF ABANDONED NON-COMMERCIAL VESSELS OR PARTIALLY SUBMERGED HAZARDS TO NAVIGATION**

SUMMARY: The proposed Agreement with the California Department of Boating and Waterways (DBW) covering the State's "Abandoned Watercraft Abatement Fund-Grant Program" would make the Harbor Department eligible to receive up to \$50,000 for reimbursement of the costs to remove, store and dispose of abandoned, wrecked or dismantled non-commercial vessels, or other partially submerged hazards to navigation, on the condition that the Harbor Department match the amount by a ten-percent contribution to those costs.

Recommendation: Board resolve that (1) an agreement with the Department of Boating and Waterways covering the State's Abandoned Watercraft Abatement Fund-Grant Program to become eligible for reimbursement of up to \$50,000 of Harbor Department's costs to remove and dispose of abandoned, wrecked or dismantled vessels, or other partially submerged hazards to navigation be approved; (2) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement for and on behalf of the Board; and (3) the attached Resolution approving the Agreement with the Department of Boating and Waterways be adopted.

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2. Re: **FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT NO. 2381 BETWEEN THE CITY OF LOS ANGELES AND BLUEWATER DESIGN GROUP, LLC FOR COMPREHENSIVE RECREATIONAL MARINA CONSULTANT SERVICES**

SUMMARY: On February 9, 2005, the Board approved Agreement No. 2381 with Bluewater Design Group, LLC, 2500 Via Cabrillo Marina, San Pedro, California 90731. This agreement provides consultant services to assist Port staff in the evaluation and implementation of renovations and upgrades for ten recreational marinas in the East Basin Cerritos Channel area of Wilmington.

An amendment to this agreement is necessary to continue providing the Port of Los Angeles with the consultant services necessary to complete the design phase of the proposed marina renovation and upgrade projects.

The recommended action will extend the contract duration by ten months for a total term of three years, with no net increase to the original contract amount.

Recommendation: Resolve that (1) the Board find that, in accordance with Charter Section 1022, the work covered under this Amendment can be performed more feasibly by Bluewater Design Group, LLC (current project consultant) rather than by city employees; (2) the First Amendment to Agreement No. 2381 with Bluewater Design Group, LLC to extend contract duration by ten months for a total term of three years, with no net increase to the original contract amount of \$325,000 be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and to attest to said First Amendment for and on behalf of the Board.

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**3. Re: PORT OF LOS ANGELES COMMUNITY ADVISORY
COMMITTEE RECOMMENDATION NO. 43 –
RECOMMENDATION CONCERNING THE
WILMINGTON MARINAS**

SUMMARY: On September 28, 2005, PCAC recommended to the Board of Harbor Commissioners that the Port retain the current eleven existing marinas and 1,700 boat slips within the boundaries of Wilmington. The Department has entered into long term agreements with the Wilmington marina operators to perform certain improvements to their marinas, and will construct certain landside improvements.

Recommendation: Board resolve that (1) PCAC Recommendation No. 43 be adopted; and (2) staff be directed to complete the agreed upon landside improvements, repair the embankments as necessary and assist the marina operators in completing the improvements required under their agreements with the Harbor Department.

**4. Re: PROPOSED ORDER SETTING COMPENSATION
UNDER PERMIT NO. 238 WITH EQUILON
ENTERPRISES LLC**

SUMMARY: Permit No. 238 grants Equilon Enterprises LLC (Equilon) use of Los Angeles Harbor Department (Port) property for subsurface pipeline right-of-way purposes along a right-of-way extending from the Berths 167-169 Equilon marine liquid bulk terminal, northerly on Mormon Island, to Fries Avenue. The permit premises consist of 50,965 s.f., with no right of surface use.

Recommendation: Adoption of the Order Setting Compensation under Permit No. 238 with Equilon at \$21,405 per year for the five-year period commencing May 18, 2002, and ending May 18, 2007.

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**5. Re: PROPOSED LEASE WITH PACIFIC PLACE FOR
OFFICE SPACE**

SUMMARY: It is proposed that the Port of Los Angeles lease 12,803 square feet of office space at Pacific Place, 222 W. Sixth Street, San Pedro, for a period of five years with a two year option to extend to alleviate space constraints at the Harbor Administration Building. Base rent for fiscal year 06-07 will be \$143,600 plus tenant improvements. Rent for subsequent years will be \$355,000 plus escalations and pass-throughs (e.g. utilities, maintenance, and custodial).

Recommendation: Board resolve that (1) the proposed lease with Pacific Place Associates, LLP, based on the terms and conditions as outlined in Attachment A be approved; (2) the Resolution authorizing the transfer of \$300,000 from Real Estate Land Acquisition Budget Division 1800, Account 59992 Relocation Assistance, to Center 0424, Real Estate Division Account 5995 Property Rental/License Fee be adopted; (3) the Board Secretary be authorized and directed to forward the lease agreement to the City Council for its approval pursuant to Section 373 of the City Charter; (4) upon approval by the City Council, the Executive Director and Board Secretary be authorized to execute and attest to said lease for and on behalf of the Board; and (5) the Executive Director be authorized to make the necessary rental payments to Pacific Place Associates, LLP, and to its parking operator, Standard Parking, for the parking costs associated with this agreement.

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Public Relations & Legislative Affairs

**6. Re: APPROVAL OF AGREEMENT WITH NAVISITE FOR
WEBSITE HOSTING SERVICES**

SUMMARY: The agreement with Navisite, 2720 Zanker Road, San Jose, CA, provides for website hosting services on behalf of the Port of Los Angeles. The firm provides for all services related to keeping the website available and in working order. This includes leasing of the equipment, complete maintenance of the equipment, load-balancing of traffic to the website, recovery of the site should it crash, and all other services required to maintain the website on the internet. The contract is a one-year agreement for a not-to-exceed amount of \$50,000, with options for two one-year extensions for a total expenditure not to exceed \$150,000 over the term of the contract.

Recommendation: Board resolve that (1) the proposed agreement with Navisite for a one-year term at a not-to-exceed amount of \$50,000 a year be approved; (2) the Executive Director be authorized to execute two one-year extensions at an amount not-to-exceed \$50,000, subject to budget authorization in each fiscal year and the Port's future need to outsource website hosting; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to the proposed agreement.

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Construction Division

- 7. Re: REJECTION OF ALL BIDS – BERTHS 90-91 CRUISE
TERMINAL BAGGAGE HANDLING BUILDING,
SPECIFICATION NO. 2686**

SUMMARY: This project consists of the purchase and erection of a 72,000 square foot stressed membrane structure at the Berths 90-91 Cruise Terminal for use as an additional baggage handling site.

Recommendation: Board resolve that all bids for the Berths 90-91 Cruise Terminal Baggage Handling Project be rejected and authorize the project to be re-advertised.

- 8. Re: AWARD OF CONTRACT – DEMOLITION OF
BUILDINGS AND STRUCTURES CABRILLO MARINA
PHASE II AND PORT OF LOS ANGELES POLICE
BUILDING PROJECTS, SPECIFICATION NO. 2685**

SUMMARY: The project consists of the demolition of buildings and structures to accommodate the future construction of new facilities at the West Channel/Cabrillo Marina Phase II and the construction of the Port of Los Angeles Police Headquarters Building. The lowest responsible bidder for this project is Three D Service Co., Inc. located at 1551 E. Mission Boulevard, Pomona, California. The contract amount is \$2,538,229 and the contract duration is 180 calendar days.

Recommendation: Resolve that (1) the Board find that the bid proposal from ATE Environmental, Inc. did not meet Section 18c of the Information for Bidders provisions set forth in the contract specifications; (2) the above mentioned contract for Item Nos. 1 through 14 of the proposal schedule be awarded to Three D Service Co., Inc. in the amount of \$2,538,229, and payment be authorized from the Harbor Department – Construction Account with the contract time for performance of the work will be 180 calendar days from the Notice to Proceed; and (3) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to accept the construction contract upon its completion.

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Engineering Division

- 9. Re: AMENDMENT NO. 1 PERSONAL SERVICES AGREEMENT NO. 2306 BETWEEN THE CITY OF LOS ANGELES AND URS FOR TRANSPORTATION INFRASTRUCTURE DESIGN SERVICES**

SUMMARY: On December 2, 2003, the Board approved Agreement No. 2306 between the City of Los Angeles and URS Corporation for the plans, specifications, engineering and construction support services for the Fries Avenue Railroad Grade Separation. An amendment to this agreement is necessary to allow for the continuation of engineering services for this project.

The recommended action will authorize and extend the contract duration by 36 months for a total term of 6 years. No additional funds are requested.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreement is temporary in nature and can be performed more feasibly by an independent consultant rather than by City employees; (2) Amendment No. 1 to Agreement No. 2306 with URS Corporation for transportation infrastructure engineering services which authorizes a contract extension of 36 months for a total term of 6 years 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. 2306 with URS Corporation, a Nevada Corporation, be adopted; (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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**10. Re: AMENDMENT NO. 2 – AGREEMENT NO. 2241
BETWEEN THE CITY OF LOS ANGELES AND HERZOG
TRANSIT SERVICES, INC. FOR OPERATION OF THE
RED CAR LINE**

SUMMARY: Agreement No. 2241 provided the Port of Los Angeles with management, operation and maintenance services for the Red Car Line by Herzog Transit Services, Inc. for 3 years with an amount not to exceed \$2,816,249. Amendment No. 1 added one year, six months, and increased the total not-to-exceed amount to \$4,932,945. Amendment No. 2 would allow the Port to extend the Agreement an additional three (3) years six (6) months for a total term of eight (8) years for a not to exceed amount of \$9,430,263.

Recommendation: Resolve that (1) Amendment No. 2 to Agreement No. 2241 with Herzog Transportation Services, Inc. (Herzog) extending the agreement three (3) years six (6) months for a total term of eight (8) years for a not to exceed amount of \$9,430,263 as set forth in the board report be approved; (2) the Board find that in accordance with the City Charter Section 1022, work under the subject agreement is temporary in nature and can be performed more economically and feasibly by an independent consultant rather than by City employees; (3) the Resolution authorizing the transfer of \$4,090,398 from the Unappropriated Fund Balance to Division No. 0310, Account No. 54290, Program 000 for future year commitments be adopted; (4) the Executive Director and Board Secretary be authorized to execute and attest to this amendment for and on behalf of the Board; and (5) the Board Secretary be directed to forward this Amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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- 11. Re: APPROVAL OF AN AGREEMENT BETWEEN THE PORT OF LOS ANGELES AND THE PORT OF LONG BEACH TO SHARE COSTS FOR THE PORT INCIDENT MANAGEMENT SYSTEMS (PIMS)**

SUMMARY: The Port Incident Management System (PIMS) will consist of Intelligent Transportation Systems (ITS) and Security Patrol Systems in the Port Complex and its vicinity to distribute "real time" traffic information and advanced warning of security incidents to motorists via changeable message signs (CMS). The total cost of this PIMS project is \$3,761,250 with federal grant funding of \$3,011,250 covering most of this cost. The remaining project costs will not exceed \$750,000, and will be shared equally between the Port of Los Angeles and the Port of Long Beach. The Port of Long Beach will administer the contract and oversee payments to the contractor.

Recommendation: Board resolve that (1) the reimbursement of \$375,000 to the Port of Long Beach pursuant to a Port of Los Angeles and Port of Long Beach Cost Sharing Agreement be approved; and (2) the Executive Director and the Board Secretary be authorized to execute and attest to an agreement covering the aforementioned transaction for and on behalf of the Board.

City Attorney

- 12. Re: FIRST AMENDMENT TO AGREEMENT NO. 2464
BETWEEN THE CITY OF LOS ANGELES AND THE
SOHAGI LAW GROUP FOR LEGAL SERVICES**

Recommendation: Board resolve that the City Attorney's Office be authorized to execute the First Amendment to Agreement No. 2464 ("Agreement") changing the law firm name from Fox and Sohagi, LLP to the Sohagi Law Group. The name amendment shall become effective as of December 1, 2006, and remain in effect until the Agreement's termination on February 28, 2009.

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Regular Items (13 - 15)

- 13. Re: THIRD AMENDMENT TO AGREEMENT NO. 2445
BETWEEN THE CITY OF LOS ANGELES AND
NOSSAMAN, GUTHNER, KNOX AND ELLIOTT**

Recommendation: Board resolve that (1) the Third Amendment to Agreement No. 2445 between the City of Los Angeles and Nossaman, Guthner, Knox & Elliot which allocates an additional \$300,000 to the Agreement to continue the prosecution of *City v. San Pedro Boat Works* and the defense of related cross-claims, and to finalize the settlement of *Santa Monica v. Kaiser International* be approved; (2) the Resolution authorizing the Executive Director to execute the Third Amendment to Agreement No. 2445 be adopted; (3) the Board Secretary be directed to transmit the Third Amendment to Agreement No. 2445 to the City Council for its approval pursuant to Section 373 of the Charter; and (4) the Resolution authorizing the transfer of \$300,000 from the Harbor Department's Unappropriated Balance to the Harbor Revenue Fund, Account No. 54410, Division No. 0120, and Program No. 000 for legal services for future years be adopted.

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Marketing

- 14. Re: PROPOSED FOREIGN TRADE ZONE DEVELOPER AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND PORT LA DISTRIBUTION CENTER, LP AND PORT LA DISTRIBUTION CENTER II, LP, SITE 14**

SUMMARY: A Foreign-Trade Zone (FTZ) is a 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 a FTZ, Duty-free treatment is accorded items that are re-exported and duty payment is deferred on items sold in the U.S. market. This site was designated as FTZ 202-Site 14 by the FTZ Board on May 2004 (Board Order 1331). When a FTZ site is designated, the landowner must have the grantee apply to conclude the FTZ developer agreement. The Foreign-Trade Zone Board requires the grantee to have an agreement with the landowner to oversee their development and maintain FTZ status. The Port was requested by Port LA Distribution Center, L.P., and Port LA Distribution Center II, L.P. to maintain the Foreign-Trade Zone status of this 88 acre site in San Pedro, California. The purpose of this proposed agreement is to allow Port LA Distribution Center, L.P., and Port LA Distribution Center II, L.P. to maintain FTZ status of the FTZ 202 Site 14 in San Pedro, California. The proposed Foreign-Trade Zone Developer Agreement is for a five (5) year term with three (3), five-year renewal options with Port LA Distribution Center, L.P., and Port LA Distribution Center II, L.P.

Recommendation: Board resolve that (1) the subject Foreign-Trade Zone Developer Agreement with Port LA Distribution Center, L.P. and Port LA Distribution Center II, L.P., be approved; (2) the Board Secretary be directed to transmit the proposed Foreign-Trade Zone Developer Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; and (3) the Executive Director or her designee and the Board Secretary be authorized to execute and attest to the proposed developer agreement upon approval by the City Council.

(Board report dated March 21, 2006 be withdrawn)

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15. Re: PROPOSED AGREEMENTS WITH THE CITY OF LOS ANGELES HARBOR DEPARTMENT INTERNATIONAL MARKETING REPRESENTATIVES

SUMMARY: The Marketing Division recommends entering into Personal Services Agreements with International Marketing Representatives (Consultants) for exclusive representation of the Port of Los Angeles in their respective contract areas. The Consultants will maintain offices in their respective contract areas and will represent the Port of Los Angeles as marketing and trade promotion representatives to promote the use of the facilities of the Port of Los Angeles by entities in the United States. Additionally, the Consultants shall communicate important environmental programs and initiatives and other related concerns to steamship line management and other entities, as requested. The Agreements are for a one (1) year term.

Recommendation: Board resolve that (1) it be determined that, per City Charter Section 1022, the work to be performed under the subject Agreements can be performed more feasibly by an independent contractor than by City employees; (2) the subject Agreements with Consultants in the following contract areas of Australia/New Zealand, Europe, Japan, Korea, North China-Shanghai, South China-Hong Kong, Southeast Asia-Singapore, Taiwan, Vietnam, South America, and Unites States-NY/NJ, be approved; and (3) the Executive Director and Board Secretary be authorized to execute and to attest to the proposed Agreements.

(Board report dated November 9, 2006 be withdrawn)

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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. San Pedro Boat Works, Inc., et al., United States District Court Case No. CV-02-7986 MRP (JWJx), pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of counsel.**
- 3. 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 and retention of counsel.**

H. ADJOURNMENT IN MEMORY

Adjournment in memory of Detective John Louis Smith who passed away on Thursday, November 30, 2006 following a lengthy battle with cancer. Detective Smith was a 27 year veteran of the Port Police Division and who also served his country as a United States Marine Sergeant, heroically earning a Purple Heart for wounds sustained during battle.

Detective Smith is survived by his wife, Delores, son John Jr., daughter DeAnn and Port Police Officer Brandon Smith, and an immensely large family of law enforcement brotherhood from the FBI, LAPD and others.