

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, OCTOBER 4, 2007, AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**Teleconferencing Site:** Pursuant to Section 54953 of the California Government code, members of the public are hereby notified of an opportunity to address the Harbor Commission at the following teleconference site: Environmental Defense Justice Project Office  
3250 Wilshire Blvd, Suite 1400  
Los Angeles, CA 90010

**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.     PRESENTATION**

1.     Clean Marina Program

**F.     BOARD COMMITTEE REPORTS**

**G.     APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**Minutes of the special meeting of the Los Angeles Board of Harbor Commissioners of July 19, 2007, for approval.**

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H. REPORTS OF THE EXECUTIVE DIRECTOR

**Consent Items (1-6)**

Real Estate

1. Re: PROPOSED ORDER SETTING COMPENSATION UNDER PERMIT NO. 597 WITH SOUTHERN CALIFORNIA EDISON COMPANY

*SUMMARY: Permit 597 grants the Southern California Edison Company (SCE) the authority to use Port of Los Angeles (Port) property in the Intermodal Container Transfer Facility (ICTF) located in Wilmington, in order to maintain and operate overhead electrical power transmission lines. The permit was granted for a term of 30 years, beginning August 21, 1987. The permit requires that compensation for SCE's use of Port property be readjusted every five (5) years.*

*Accordingly, it is proposed that compensation for the fifth five-year period, commencing August 21, 2007, be set at \$45,647 per year, which is based on the Los Angeles Board of Harbor Commissioners' current policy of obtaining a 10% rate of return on the estimated land value of \$25 per square foot, discounted by 75% to reflect the aerial nature of the right-of-way (73,035 s.f. x \$25 x 10% x 25% = \$45,647)..*

**Recommendation:** Adoption of the Order setting compensation under Permit No. 597 with Southern California Edison at \$45,647 per year for the fifth five-year period commencing August 21, 2007 and ending August 20, 2012.

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2. Re: PROPOSED COMPENSATION EXTENSION UNDER  
TERM PERMIT 783 WITH TRI-MARINE  
INTERNATIONAL, INC.

*SUMMARY: Tri-Marine International, Inc. (Tri-Marine) is granted use of 60,690 s.f. of waterfront land in Fish Harbor, Terminal Island, for the operation and maintenance of a freezer/warehouse facility for wet fish processing purposes. Permit 783 expired on April 30, 2006, and is currently on holdover. Tri-Marine submitted an application for a successor permit on June 22, 2005, and an updated application on January 11, 2006. Staff is currently evaluating the tenant's proposal and their overall business activity in order to determine the terms for a successor permit. Presently, numerous drafts have been reviewed. However, delays have occurred because of changes requested in the second submission and a study to determine long term land use needs for the fishing industry as well as qualification criteria for wet fish operators. Under the study, which was completed in September, Tri-Marine qualified as a wet fish operator. In the interim, Tri-Marine is seeking relief from the permit provision that sets compensation during the holdover period at 150% of the compensation at the time of the permit's expiration.*

**Recommendation:** Adoption of the Order authorizing the Executive Director to provide notice to Tri-Marine, reducing compensation during the holdover period of Permit 783 from 150% (\$7,208) to 100% of the land rental rate of \$4,805 per month commencing from the date of Board approval. All terms and conditions of Permit 783 shall remain the same.

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Engineering

3. Re: REVISED CHANGE ORDER NO. 7 – INCREASE VINCENT THOMAS BRIDGE FIBER OPTIC CABLE AND CONDUIT INSTALLATION – AGREEMENT NO. 2498 WITH ADESTA LIMITED PARTNERSHIP

*SUMMARY: Revised Change Order No. 7, in the amount of \$270,000, will authorize the contractor to install one 2" conduit and fiber optic cable along the catwalk below the Vincent Thomas Bridge roadway deck from Bent 8 to the East Tower, approximately 3,115 linear feet.*

**Recommendation:** Board resolve that the Revised Change Order No. 7 for an increase of \$270,000, bringing the contract total to \$5,393,509, be approved.

4. Re: APPROVAL OF A COOPERATIVE AGREEMENT AMONG FEDERAL, STATE AND LOCAL AGENCIES FOR THE SOUTHERN CALIFORNIA NATIONAL FREIGHT GATEWAY

*SUMMARY: The purpose of the Southern California National Freight Gateway cooperative agreement is to promote cooperation, coordination and collaboration among federal, state and local agencies in Southern California to advance projects for sustainable and efficient freight transportation.*

**Recommendation:** Board resolve that the Executive Director and the Board Secretary be authorized to execute and attest to this cooperative agreement for and on behalf of the Board.

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5. Re: CONTRACT COMPLETION - DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND SIEMENS BUILDING TECHNOLOGIES FOR THE DESIGN AND PROCUREMENT OF WATERBORNE BARRIERS, PROJECT NO. 5 – AGREEMENT NO. 2473

*SUMMARY: On April 25, 2006, the Board of Harbor Commissioners awarded a Design-Build Agreement to Siemens Building Technologies for the design and procurement of 10,000 feet of security barrier for lines of demarcation and waterborne small craft protection for \$2,935,850. The design-build process commenced on June 14, 2006 and was completed in 210 calendar days on January 9, 2007. The final revised contract amount of \$2,935,718 is \$131 lower 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) the Authority for Adjustment (AFA) Nos. 1 and 2 for an aggregate decrease of \$131 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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6. Re: AMENDMENT NO. 1 – PERSONAL SERVICES AGREEMENT NO. 2385 BETWEEN THE CITY OF LOS ANGELES AND NORMAN H. EMERSON DBA EMERSON & ASSOCIATES FOR PROFESSIONAL FUNDING DEVELOPMENT SERVICES FOR THE INTEGRATED TRANSPORTATION AND INFRASTRUCTURE FUNDING PROGRAM

*SUMMARY: Agreement No. 2385 provided the Port of Los Angeles with professional funding development services for the Integrated Transportation and Infrastructure Funding Program for 3 years in the amount of \$600,000. Amendment No. 1 for \$600,000 will allow the Port to extend the agreement duration an additional 3 years for a total term of 6 years, and for a total amount of \$1,200,000.*

**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 and feasibly by Norman H. Emerson, dba Emerson & Associates (current project consultant) rather than by City employees; (2) Amendment No. 1 to Agreement No. 2385 with Norman H. Emerson, dba Emerson & Associates, extending the agreement duration by 3 years for a total term of 6 years, and an amount of \$1,200,000 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. 2385 with Norman H. Emerson, dba Emerson & Associates, a sole proprietor doing business in California, be adopted; and (5) the Board authorize and direct the Board Secretary to forward the amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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## **Regular Items (7-9)**

### **Engineering**

7.    Re:    SUPPLEMENTAL AGREEMENT NO. 1 - AUTHORITY FOR ADJUSTMENT NO. 4 - CHANGE ORDER NOS. 6-R, 7-R, 21-R, 22-R AND 24 TO 28 - DESIGN-BUILD AGREEMENT NO. 2489 BETWEEN THE CITY OF LOS ANGELES AND SCIENCE APPLICATIONS INTERNATIONAL CORPORATION FOR THE DESIGN AND CONSTRUCTION OF A WATERSIDE SECURITY SURVEILLANCE SYSTEM

*SUMMARY: Approval is requested for Adjustment No. 4 and Change Order Nos. 6-R, 7-R, 21-R, 22-R and 24, 25, 26, 27, and 28 of design build Agreement No. 2489 between the City of Los Angeles and Science Applications International Corporation, 10260 Campus Point Drive, San Diego, CA 92121. The contract involves designing and building a port-wide waterside camera system. The total of the changes requested is \$3,713,111. This will increase the intended contract expenditures from \$8,918,350 (the original contract amount of \$7,613,492 plus the change orders to date of \$1,305,239) by \$3,713,111 to a new total of \$12,631,832. Up to this point \$1,261,319 has been expended on this project. The significant increase in cost is due to:*

- *Power and equipment requirements and changes not anticipated or identified by the port in the original scope of work*
- *Project adjustments and equipment relocations due to the port securing of the Water Street facility and/or the lag in the construction schedule of the new Port Police Headquarters*
- *Technology enhancements, additional equipment/capabilities requested and project changes identified by the port since the contract was awarded.*

*The adjustment and change orders are port initiated and essential to the successful implementation of the initial camera system and system enhancements currently in the planning stages.*

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**7. (Continued)**

**Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, the work covered under this Supplemental Agreement can be performed more economically or feasibly by Science Applications International Corporation (current project design-builder) rather than by City employees; (2) Authority for Adjustment No. 4 and Change Order Nos. 6-R, 7-R, 21-R, 22-R, and 24, 25, 26, 27, and 28 to Agreement No. 2489 with Science Applications International Corporation which will authorized \$3,713,111 and a time extension of 106 calendar days be approved; (3) Supplemental Agreement No. 1 to Agreement No. 2489 with Science Applications International Corporation extending the agreement duration by 106 calendar days, and a not-to-exceed amount of \$11,326,603 be approved; (4) the Executive Director and Board Secretary be authorized to execute and attest to said Authority for Adjustment, Change Orders, and Supplemental Agreement for and on behalf of the Board; and (5) the attached Order approving Supplemental Agreement No. 1 to Agreement No. 2489 with Science Applications International Corporation, a Delaware corporation, be adopted.**

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Construction Division

8. Re: AWARD OF CONTRACT – BERTHS 302-305  
TERMINAL LIGHTING UPGRADE AMERICAN  
PRESIDENT LINE TERMINAL, SPECIFICATION NO.  
2688

*SUMMARY: This project involves replacing existing high mast light pole fixtures throughout the American President Line Terminal at Berths 302-305 with new more efficient light fixtures which will also reduce the amount of light glare at the terminal. The low bidder for this project is Helix Electric, Inc., located at 8260 Camino Santa Fe, Suite A, San Diego, CA. The contract amount plus contingency is \$3,255,650, and the contract duration is 220 calendar days.*

**Recommendation:** Board resolve that (1) the above-mentioned contract for Item Nos. 1 through 8 of the proposal schedule be awarded to Helix Electric, Inc., in the amount of \$2,831,000; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$3,255,650; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 220 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 the Executive Director be authorized to accept the construction contract upon its completion.

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Environmental

9. Re: PROPOSED AGREEMENTS UNDER THE SAN PEDRO  
BAY PORTS CLEAN AIR ACTION PLAN LIQUEFIED  
NATURAL GAS TRUCK PROGRAM

*SUMMARY: The Liquefied Natural Gas (LNG) Truck Program is a critical component of the San Pedro Bay Ports Clean Air Action Plan (CAAP) in establishing a critical mass of clean alternative fuel drayage trucks serving the ports. The program provides incentive funding from the South Coast Air Quality Management district (SCAQMD), the Port of Long Beach and the Port of Los Angeles for use towards the purchase, fueling, and maintenance of on-road heavy duty liquefied natural gas trucks that will service the San Pedro Bay Ports. This action approves agreements with six firms for 75 LNG trucks, and authorizes the Executive Director to negotiate and execute agreements with four additional firms for 42 LNG trucks. The total cost for the 117 LNG trucks is \$21,528,000, shared by the Ports of Los Angeles and Long Beach at \$13,528,000 and \$8,000,000, respectively.*

**Recommendation:** Board resolve that (1) staff be directed to complete contract negotiations with the ten applicants as listed on the Board report; (2) the Executive Director and the Board Secretary be authorized to execute and attest to up to ten, seven-year agreements for a cumulative cost, not-to-exceed \$21,528,000. The agreements must be substantially as attached, subject to approval as to form and legality by the City Attorney's Office; (3) the Board Secretary be directed to forward the agreements to the City Council for its approval pursuant to Section 373 of the City Charter; and (4) the Executive Director and Board Secretary be authorized to execute and attest to a supplemental cost sharing agreement between the Ports of Los Angeles and Long Beach for the reimbursement of \$8,000,000 from the Port of Long Beach, due to the Port of Los Angeles as established by the Clean Air Action Plan, Master Cost Sharing Agreement No. 2546.

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**I.     CLOSED SESSION**

- 1.     Discussion with legal counsel concerning significant exposure to litigation involving the Federal Maritime Commission, Pacific Merchant Shipping Association and the National Industrial Transportation League related to the Clean Truck Program pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**