

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JANUARY 18, 2007, AT 6:00 P.M.  
BANNINGS LANDING COMMUNITY CENTER  
100 E. WATER STREET  
WILMINGTON, 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. 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, 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**
- 2. Report of Commissioners**

**D. SPECIAL PRESENTATION**

- 1. Presentation on Port MagLev Study  
Mike Christensen, Director of Port Development**

**E. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**Minutes of the regular meeting of the Los Angeles Board of Harbor Commissioners of January 4, 2007 for approval.**

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**F. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1-4)**

**Real Estate**

- 1. Re: PROPOSED PERMIT WITH MAGICAL CRUISE COMPANY, LIMITED DBA DISNEY CRUISE LINE**

***SUMMARY: The proposed action will grant Magical Cruise Company, Limited, dba Disney Cruise Line, a permit that will grant berthing of cruise ships to embark and disembark passengers and luggage and provide for storing of ships with goods, wares, fuel, and merchandise at Berths 91-93 at Los Angeles World Cruise Center from May 1, 2008 through September 15, 2008.***

**Recommendation Board resolve that (1) the Order authorizing the Executive Director to execute the proposed permit based on the terms and conditions set forth in the Board report be adopted; and (2) the Executive Director and the Board Secretary be authorized to execute and attest to the agreement upon Board approval.**

**(Board report dated December 27, 2006 be withdrawn)**

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2. Re: **PROPOSED JOINT REVOCABLE PERMITS 02-10 AND 02-11, BY AND BETWEEN THE CITY OF LOS ANGELES AND THE CITY OF LONG BEACH AND THE CITY OF HUNTINGTON PARK, A MUNICIPAL CORPORATION**

***SUMMARY: The two ports of Los Angeles and Long Beach are granting pre-existing rights to various cities along the Alameda Corridor that are owned jointly by them for the Alameda Corridor Transportation Authority railroad right-of-way. As the tracks pass through the several corridor municipalities, encroachments onto properties by operations of the railroad are offset by local municipal use of rail right-of-way. Various parcels of street rights-of-way and utility easements are exchanged to complete transactions that are of mutual benefit to the parties.***

**Recommendation: Board resolve that the proposed Joint Revocable Permits 02-10 and 02-11 by and among the City of Los Angeles, acting by and through its Board of Harbor Commissioners, the City of Long Beach acting by and through its Board of Harbor Commissioners, and the City of Huntington Park, a municipal corporation, be approved and its execution authorized.**

**Commission Office**

3. Re: **RESOLUTION APPOINTING ACTING EXECUTIVE DIRECTOR IN THE TEMPORARY ABSENCE OF THE EXECUTIVE DIRECTOR**

**Recommendation: Adoption of the subject Resolution.**

4. Re: **RESOLUTION APPOINTING AN ALTERNATE REPRESENTATIVE TO THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY**

**Recommendation: Adoption of the subject Resolution.**

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**Regular Items (5-8)**

**City Attorney**

5. Re: **AMENDMENT TO AGREEMENT NO. 2463 WITH MEYERS NAVE AND AGREEMENT NO. 2464 WITH THE SOHAGI LAW GROUP TO PROVIDE ADDITIONAL FUNDING TO SUPPORT ENVIRONMENTAL LEGAL REVIEW REQUIRING SPECIALIZED LEGAL KNOWLEDGE**

**Recommendation: Board resolve that (1) the First Amendment to Agreement No. 2463 with Meyers, Nave, Riback Silver & Wilson ("Meyers Nave") in the form attached hereto, which would authorize additional funds of \$1.15 million for the contract term, be approved; (2) the Second Amendment to Agreement No. 2464 with the Sohagi Law Group in the form attached hereto, which would authorize additional funds of \$2.2 million for the contract term, be approved; and (3) the Resolution authorizing the transfer of \$3,350,000 from the Unappropriated Balance to Division 0120, Account No. 54410, Program No. 000, to fund the Amendments set forth above, in accordance with the requirements of the City Charter and City procedures, be adopted.**

6. Re: **WAIVER OF POTENTIAL CONFLICT WITH RESPECT TO TERREE BOWERS' REPRESENTATION OF HONEYWELL IN RE *THE UNITED STATES OF AMERICA EX REL STATE OF CALIFORNIA EX REL STANLEY MOSLER VS. CITY OF LOS ANGELES, ET AL., U.S.D.C. CASE NO. CV-02-2278-SJO (RZx)***

**Recommendation: Board resolve that any potential conflict that might arise by way of former Chief Deputy City Attorney Terree Bowers' representation of Honeywell in a matter involving the Department of Water and Power be formally waived.**

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**Construction Division**

- 7. Re: CONTRACT COMPLETION – CONTRACT NO. 2224  
WITH STETON CONSTRUCTION GROUP - 250 5<sup>TH</sup>  
STREET BUILDING RENOVATION, SPECIFICATION  
NO. 2650**

***SUMMARY: On December 21, 2004, the Board of Harbor Commissioners awarded the 250 5<sup>th</sup> Street Building Renovation contract to Steton Construction Group for \$6,345,283. The construction commenced on March 28, 2005, and was completed in 311 calendar days on February 1, 2006. Authority of Adjustment Nos. 1 through 54 increased the contract amount by 1,039,290.84. The final revised contract amount is \$7,384,573.84, approximately 16.38 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 except for the certified payroll issue as noted in Recommendation Item 3 and Discussion Item 6.***

**Recommendation: Board resolve that (1) Authority for Adjustment (AFA) Nos. 1 through 53 showing a net increase of \$1,639,290.84 to the contract amount be received and ordered filed; (2) Authority for Adjustment (AFA) No. 54 for a decrease in the contract amount of (\$600,000) be approved; and (3) the subject contract be formally accepted as complete subject to the resolution of the certified payroll issues as noted.**

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**8. Re: AWARD OF CONTRACT – WATERFRONT GATEWAY  
PROJECTS, SPECIFICATION NO. 2675**

***SUMMARY:*** *The project consists of constructing two water features, restrooms, and signs along the Waterfront Gateway Harbor Boulevard Parkway. The lowest responsible bidder for this project is Sully-Miller Contracting Company located at 1100 E. Orangethorpe Avenue, Suite 200, Anaheim, California 92801. The contract amount is \$13,837,500 and the contract duration is 665 calendar days.*

**Recommendation:** Resolve that (1) the Board find that the bid proposal from Brutoco Engineering and Construction Inc. did not meet section 00030.08.D.1 of the provisions set forth in the contract Specifications and therefore is non-responsive; (2) the above-mentioned contract for Item Nos. 1 through 21 of the proposal schedule be awarded to Sully-Miller Contracting Company in the amount of \$13,837,500 and payment be authorized from the Harbor Department Construction Account. The contract time for performance of the work will be 665 calendar days from the Notice to Proceed; (3) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (4) 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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**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: Westcon Microtunneling, Inc. v. City of Los Angeles, United States District Court Case No. CV-05-7305, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of litigation expert.**
- 3. 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 and retention of outside counsel.**
- 4. 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.**
- 5. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [one (1) potential case].**