

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, APRIL 17, 2008, AT 8:30 A.M.
BANNING'S 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 ON NON-AGENDA ITEMS

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Regular meeting of the Los Angeles Board of Harbor Commissioners of March 20, 2008 and Special meeting of April 3, 2008 for approval.

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G. SPECIAL ORDER OF THE DAY

Public Hearing

**1a. ISSUANCE OF A LEVEL III COASTAL DEVELOPMENT
PERMIT FOR THE CABRILLO WAY MARINA PROJECT AT
22ND AND MINER STREET IN SAN PEDRO, CALIFORNIA**

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 the Cabrillo Way Marina Project.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

Regular Item No. 1b

Planning & Research

1b. Re: LEVEL III COASTAL DEVELOPMENT PERMIT (NO. 08-05) FOR THE CABRILLO WAY MARINA PROJECT

SUMMARY: The Port of Los Angeles has applied for a coastal development permit to construct the Cabrillo Way Marina project at 22nd and Miner Streets. A Level III, appealable Coastal Development Permit is required for the proposed development.

Recommendation: Board resolve that (1) a public hearing be held for the proposed Level III, appealable Coastal Development Permit (No. 08-05); and (2) upon closure of the public hearing, a Level III, appealable Coastal Development Permit (CDP No. 08-05) for the construction of the Cabrillo Way Marina project be approved and granted subject to the standard conditions as set forth in the permit, and the Director of Planning and Research be directed to issue said permit.

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Consent Items (2-9)

- 2 Re: THIRD AMENDMENT TO AGREEMENT NO. 2391
BETWEEN THE CITY OF LOS ANGELES AND DEB
BABCOCK-DOHERTY D.B.A. DEBBS, INC.**

SUMMARY: The proposed Third Amendment to the existing agreement with Ms. Debra Babcock-Doherty, d.b.a. DEBBS, Inc., to provide full-time professional support services to the Port Community Advisory Committee (PCAC) will extend the agreement one year to May 11, 2009, and increase the contract amount by \$83,200.

Recommendation: Board resolve that (1) the Third Amendment to Agreement No. 2391 to extend the term one year to May 11, 2009, and increase the contract amount by \$83,200 be approved; and (2) the Executive Director and Board Secretary be authorized to execute and attest to the Third Amendment for and on behalf of the Board.

Construction Division

- 3 Re: CONTRACT COMPLETION – REMOVAL AND
INSTALLATION OF UNDERGROUND STORAGE TANKS
– CONTRACT NO. 2237 WITH FLEMING
ENVIRONMENTAL, INC., SPECIFICATION NO. 2682**

SUMMARY: The Board of Harbor Commissioners awarded the Removal and Installation of Underground Storage Tanks contract to Fleming Environmental, Inc., on September 20, 2006, in the amount of \$1,270,460. Construction commenced on October 23, 2006, and was completed on August 31, 2007. Authority for Adjustment (AFA) Nos. 1 through 20 increased the contract amount by \$46,158 (3.6 percent) for a total of \$1,316,618. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues. Fleming Environmental, Inc., is located in Buena Park, California.

Recommendation: Board resolve that (1) the Summary of Authority for Adjustment Nos. 1 through 20 showing a net increase to the contract amount of \$46,158 be received for information and ordered filed; and (2) the contract be formally accepted as complete.

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4. Re: **AUTHORITY FOR ADJUSTMENT NO. 8 AND SUPPLEMENTAL AGREEMENT NO. 1 – DEMOLITION OF BUILDINGS AND STRUCTURES – CONTRACT NO. 2240 WITH THREE D SERVICE CO., INC., SPECIFICATION NO. 2685**

SUMMARY: *On December 7, 2006, the Board of Harbor Commissioners awarded the Demolition of Buildings and Structures contract to Three D Service Co., Inc., in the amount of \$2,538,229 to make room for construction of the new Port Police Headquarters and Cabrillo Marina Phase II. Authority for Adjustment No. 8 will adjust the unit price and allowance bid items to reflect actual amounts utilized which will decrease the contract amount by \$1,097,105. Three D Services Co., Inc. is located in Pomona, California.*

Recommendation: Board resolve that (1) Authority for Adjustment No. 8 with a net decrease to the contract amount of \$1,097,105 be approved; and (2) Supplemental Agreement No. 1 to change the limit on decreasing the contract price from 25% to 55% be approved, and the Executive Director be authorized to sign Supplemental Agreement No. 1.

5. Re: **CONTRACT COMPLETION – BERTH 216-218 CRANE DRIVE UPGRADES AND BERTHS 206-209 (FORMER MATSON TERMINAL) POWER TRENCH REPAIR – CONTRACT NO. 2234 WITH MARINE TECHNICAL SERVICES, INC., SPECIFICATION NO. 2670**

SUMMARY: *The Board of Harbor Commissioners awarded the Berths 216-218 (YTI Terminal) Crane Drive Upgrades and Berths 206-209 (former Matson Terminal) Power Trench Repair to Marine Technical Services, Inc., on November 1, 2005, in the amount of \$2,121,882. Construction commenced on February 13, 2006, and was completed on November 21, 2006. Authorities for Adjustment (AFA) Nos. 1 through 7 increased the contract amount by \$80,687 (3.8 percent) for a total of \$2,202,569. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues. Marine Technical Services, Inc. is located in Wilmington, California.*

Recommendation: Board resolve that (1) the Summary of Authority for Adjustment Nos. 1 through 7 showing a net increase to the contract amount of \$80,687 be received for

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information and ordered filed; and (2) the contract be formally accepted as complete.

Homeland Security

6. Re: PURCHASE ORDER CHANGE TO CONTRACT NO. 39380 WITH DULY RESEARCH, INCORPORATED FOR A MOBILE LINEAR ACCELERATOR X-RAY SCANNING UNIT

SUMMARY: The City of Los Angeles Harbor Department entered into a contract with Duly Research on October 24, 2007, for the purchase of a Mobile Linear Accelerator X-ray Scanning Unit (Mobile Scanning Unit) at a cost of \$2,035,100. The procurement contract was awarded based on the original specifications. Following the procurement contract approval, the manufacturer provided several options available for the vehicle, which were reviewed by Homeland Security and Port Police. Based on the vehicle's mission requirements, several of these options were selected to improve the overall performance of the Mobile Scanning Unit.

The purchase of these upgrades, at a cost of \$398,901 (including sales tax), supports a continued increase in capabilities to address additional safety, environmental and operational needs in the Port's efforts to combat terrorism. None of the options selected were in the specification or were capabilities included in other bids. A Purchase Order Change to Contract No. 39380 with Duly research, Incorporated is submitted for the purchase of this additional security equipment for the Mobile Scanning Unit.

Recommendation: Board resolve that a Purchase Order Change to Contract No. 39380, with Duly Research, Incorporated, 1912 MacArthur Street, Rancho Palos Verdes, CA 90275 be approved and the Executive Director be authorized to execute a Purchase Order Change to Contract No. 39380 on behalf of the Board. This Purchase Order Change increases the purchase amount for the Mobile Scanning Unit from \$2,035,100 to \$2,434,001.

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Port Police

7. Re: AWARD OF CONTRACT NO. 39410 FOR PURCHASE OF A DYNAMICALLY FOCUSED MULTI-BEAM SIDE SCAN SONAR SYSTEM TO L-3 COMMUNICATION TO KLEIN ASSOCIATES, INC.

SUMMARY: Award of Contract No. 39410 to L-3 Communications, Klein Associates, Inc., 11 Klein Drive, Salem, New Hampshire 03709-1249, for the purchase of two (2) Klein, Model 5500SP, Dynamically Focused Multi-Beam Side Scan Sonar Systems. The equipment cost is \$707,086, which is reimbursable by the Department of Homeland Security.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39410 to L-3 Communication, Klein Associates, Inc., for the purchase of two (2) Klein, Model 5500SP, dynamically focused multi-beam side scan sonar systems, including features, equipment and options as outlined in the Formal Bid Request Number F-567, in a total amount of \$707,086, and the Executive Director be authorized to execute the contract on behalf of the Board.

8. Re: AWARD OF CONTRACT NO. 39413 FOR PURCHASE OF PORT POLICE FIELD VOICE AND DATA COMMUNICATIONS EQUIPMENT TO MOTOROLA C & E, INC.

SUMMARY: Award of Contract No. 39413 in the amount of \$1,038,301, to Motorola C & E, Inc., 1307 East Algonquin Road, Schaumburg, Illinois 60196, for the purchase of in-car/mobile radios, and hand-held portable radios as a Cooperative Purchase Agreement, in accordance with Los Angeles Administrative Code Division 10, Chapter 1, Article 2, Section 10.15 (a)(8), and the prices, terms and conditions of City of Los Angeles, General Services Department, Contract No. 58169.

Recommendation: Board resolve that (1) approval be granted for awarding of Contract No. 39413 for the purchase of radio communication equipment to Motorola C & E Inc., in the amount of \$1,038,301; and (2) the Executive Director be authorized to execute the contract on behalf of the Board.

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9. Re: **AWARD OF CONTRACT NO. 39403 FOR AN UNDERWATER EXPLOSIVE DETECTION SYSTEM TO TRITON IMAGING, INC.**

SUMMARY: Award of Contract No. 39403 to Triton Imaging, Inc., 125 Westridge Drive, Watsonville, California 95076, for the purchase of one (1) Reson SeaBat 7125 400 kHz Multi-Beam Sonar. The equipment cost is \$479,057, which is reimbursable by the Department of Homeland Security.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39403 for the purchase of one (1) Reson SeaBat 7125 400 kHz Multi-Beam Sonar, including features, equipment and options as outlined in the Formal Bid Request Number F-560, in a total amount of \$479,057, and the Executive Director be authorized to execute the contract on behalf of the Board.

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Regular Item No. 10

Executive Director

**10. Re: APPROVAL OF THREE-YEAR AGREEMENT WITH
BALQON CORPORATION FOR PHASE II AND III OF
THE ELECTRIC TRUCK PROGRAM**

SUMMARY: This is a request for Board approval for a three-year agreement with Balqon Corporation ("Balqon") that will fund and implement Phase II and III of the Electric Truck Program. Phase I consisted of a joint project of the Air Quality Management District (AQMD) and the Port of Los Angeles to fabricate and test a single all-electric truck tractor. Phase II includes performance testing of the current test vehicle in the TraPac container terminal and the Port's purchase of 20 electric yard tractors (hostlers), at a cost of \$189,950 per vehicle, possessing specifications approved by the Port to be deployed in a "green terminal." Phase III consists of the Port's purchase of five on-road electric trucks, at a cost of \$208,500 per vehicle, possessing specifications approved by the Port, and \$542,250 for chargers and battery packs. The funding requested for Phase II is \$3,799,000 and the funding requested for Phase III is \$1,584,750. Total compensation under the agreement shall not exceed \$5,383,750. Phase II and III will be undertaken solely by the Port. The AQMD is separately purchasing one additional truck tractor from Balqon. In partial consideration for this agreement, Balqon will agree to manufacture these vehicles in the City of Los Angeles, preferably in the community of Wilmington, and will use the first-source hiring center for labor as necessary. In addition, Balqon will provide the Port a royalty in the amount of \$1000 per vehicle for any electrical truck or hostler sold or leased to third-parties worldwide. Though the term of the agreement is three years, Balqon's obligations to pay the Port its royalty payments survive expiration or termination of the agreement. Balqon's obligation to pay royalties to the City will terminate only on the fifth anniversary of the production date if during the five year preceding period Balqon has not sold 150 electric vehicles for use in conjunction with the logistics industry in Southern California. Royalty funding will be dedicated to further advancements toward a "zero-emissions port."

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10. (Continued)

Recommendation: Board resolve that (1) the Agreement between Port of Los Angeles and Balqon Corporation for Phase II and III of the Electric Truck Program be approved; and (2) the Executive Director and Board Secretary be authorized to execute and attest to the Proposed Agreement.

I. DEPUTY EXECUTIVE DIRECTOR REPORT

- 1. Michael Christensen
Deputy Executive Director, Development**

J. CLOSED SESSION

- 1. Discussion with legal counsel concerning significant exposure to litigation [one (1) potential case], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**