

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, NOVEMBER 16, 2006, AT 8:30 A.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.

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. SPECIAL PRESENTATIONS

1. Jerry Schubel, President and Chief Executive Office
Aquarium of the Pacific

C. COMMENTS FROM THE PUBLIC

D. MISCELLANEOUS REPORTS

1. Report of the Executive Director
Report on the Strategic Plan
2. Report of Commissioners

E. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meeting of October 4, 2006 and special meeting of October 4, 2006 for approval.

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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-11)

Engineering

1. Re: FIRST AMENDMENTS TO FOUR (4) PERSONAL SERVICE AGREEMENTS FOR ON-CALL LANDSCAPE PLANNING AND DESIGN SERVICES BETWEEN THE CITY OF LOS ANGELES AND AH'BÉ LANDSCAPE ARCHITECTS, NUVIS LANDSCAPE ARCHITECTURE AND PLANNING, DAVID EVANS AND ASSOCIATES, AND KAMMEYER & ASSOCIATES

SUMMARY: The recommended action will authorize an additional \$125,000 to the existing compensation for each agreement (for a total of \$500,000 in additional funds) for the remaining duration of each of the 3-year terms of the agreements, all of which are scheduled to expire September 15, 2007. All other terms and conditions of the agreements will remain in full force and effect as originally approved.

<u>Agreement No.</u>	<u>Firm</u>	<u>Location</u>
2342	ah'bé landscape architects	Culver City, CA
2343	Nuvis Landscape Architecture and Planning	Costa Mesa, CA
2344	David Evans and Associates	Ontario, CA
2345	Kammeyer & Associates	Corona, CA

Amendments to these four (4) agreements are necessary to allow continuation of landscape engineering planning, design, and construction support services for landscape enhancement projects in the Port. When these contracts expire, new contracts for landscape designers will be obligated to comply with our small business enterprise program.

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1. (Continued)

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreements are temporary in nature and can be performed more feasibly by an independent consultant rather than by City employees; (2) the first amendments of Agreement Nos. 2342, 2343, 2344, and 2345 between the City of Los Angeles and ah'bé landscape architects, Nuvis Landscape Architecture and Planning, David Evans and Associates, and Kammeyer & Associates for the continuation of landscape planning and design services for the preparation of plans & specifications, engineering, and construction support services, which authorizes an additional \$125,000 to each agreement (for a total of \$500,000 in additional funds) for the remaining duration of the 3-year terms, scheduled to expire September 15, 2007, be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Amendment for and on behalf of the Board.

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**2. Re: DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF
LOS ANGELES AND ADESTA LIMITED PARTNERSHIP
FOR THE DESIGN AND CONSTRUCTION OF A POLA
FACILITY SECURITY ENHANCEMENTS PROJECT**

SUMMARY: The subject agreement with Adesta Limited Partnership, a Delaware limited partnership, authorized and licensed to do business in the State of California with offices located at 20655 South Western Avenue, Suite 104, Torrance, CA 90501 and 10990 Bigge Street, San Leandro, CA 94577 in the amount of \$4,994,850.76 is for the design, procurement, installation, construction, system integration, and acceptance testing of the Port of Los Angeles (POLA) Facility Security Enhancements project. The six (6) facilities include:

- 1. Harbor Administration Building*
- 2. Construction & Maintenance Administration Building, Yard, and Test Lab*
- 3. Port Pilot Station*
- 4. Port Police Dive House*
- 5. Port Police Avalon Building*
- 6. Fire Station #49*

The POLA Facility Security Enhancements project is partially funded with \$1,654,546 from the Department of Homeland Security's Transportation Security Administration (TSA) Port Security Grant Program Round 3 Project Number 2 funds.

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2. (Continued)

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject agreement is temporary in nature and can be performed more feasibly by an independent design-builder rather than by City employees; (2) the Resolution approving the subject agreement with Adesta Limited Partnership, a Delaware limited partnership, authorized and licensed to do business in the State of California with offices located at 20655 South Western Avenue, Suite 104, Torrance, CA 90501 and 10990 Bigge Street, San Leandro, CA 94577 for Task Nos. 1 through 15, for a not-to-exceed amount of \$4,994,850.76 and a 22 month construction duration consisting of a 10 month design-build task followed by a 12 month guaranty/maintenance task be adopted; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board.

Real Estate Division

3. Re: PROPOSED REVOCABLE PERMIT NO. 06-17 WITH
THE U.S. MERCHANT MARINE VETERANS OF WORLD
WAR II

SUMMARY: It is proposed that Revocable Permit No. 06-17 be issued to succeed Permit No. 710, which grants the U.S. Merchant Marine Veterans of World War II (U.S.M.M.V.W.W.II) use of 500 linear feet of water frontage at Berth 94 for the purpose of operating and maintaining the National Historic Landmark vessel SS Lane Victory.

Recommendation: Board resolve that the Executive Director be authorized to execute Revocable Permit No. 06-17 with the U.S.M.M.V.W.W.II based on the terms and conditions as set forth in the Board report.

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4. Re: PROPOSED SECOND AMENDMENT TO PERSONAL SERVICES AGREEMENT NO. E6303 BETWEEN THE CITY OF LOS ANGELES AND MERIDIAN MANAGEMENT CORPORATION FOR OPERATING ENGINEERING SERVICES AT THE FEDERAL U.S. CUSTOMS LAB

SUMMARY: The proposed Second Amendment is for the purpose of extending the term of Personal Services Agreement No. E6303 to reflect the new projected timeframe of the relocation of the Federal Customs Lab. The proposed Second Amendment to Personal Services Agreement No. E6303 provides continued short-term specialized operating engineering services for the Federal U.S. Customs Lab, located at 300 Ferry Street, Terminal Island. This agreement includes a full-time chief operating engineer.

Recommendation: Board resolve that (1) the Executive Director be authorized to execute the Proposed Second Amendment with Meridian Management Corporation based on the following:

- Meridian Management Corporation will continue to provide the specialized operating engineering services for the Federal U.S. Customs Lab;
 - Services will be provided for a period not to exceed one year commencing December 2, 2006 and terminating December 3, 2007; with the option to terminate at any time with a written 30-day notice to either party;
 - Annual contract amount shall not exceed \$367,000; and
- (2) the Resolution authorizing an additional appropriation of \$95,521 from the Unappropriated Balance to Account No. 54010, Center 0424 for the Fiscal Year 2007/08 portion of this contract be adopted.

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Accounting and Budget Division

5. Re: APPROVE PERSONAL SERVICES AGREEMENT WITH DELOITTE & TOUCHE, LLP. TO PROVIDE AUDITING SERVICES

SUMMARY: The Agreement with Deloitte & Touche, LLP., 350 South Grand Avenue, Los Angeles, CA 90072, provides for professional services to perform a comprehensive management audit of the Engineering Division, including associated functions, processes, and procedures. The Agreement is for a not-to-exceed amount of \$450,000, including related expenses.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, the services under the subject personal services agreement are temporary and of a professional, expert, and technical nature, which can be performed more feasibly by an independent contractor; (2) the proposed Agreement at a not-to-exceed amount of \$450,000, including related expenses, with Deloitte & Touche, LLP. to perform and conduct a comprehensive management audit of the Engineering Division, including associated functions, processes, and procedures be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said proposed Agreements for and on behalf of the Board.

Commission Office

6. Re: RESOLUTION AUTHORIZING COMMISSION VICE-PRESIDENT JERILYN LÓPEZ-MENDOZA TO TRAVEL TO LONDON, ENGLAND, DECEMBER 1 THROUGH 7, 2006, ON PORT BUSINESS

Recommendation: Adoption of the subject resolution.

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City Attorney

- 7. Re: REQUEST FOR RECLASSIFICATION OF GENERAL COUNSEL POSITION OF THE OFFICE OF THE CITY ATTORNEY, HARBOR DIVISION**

Recommendation: Board resolve that (1) the reclassification of the current General Counsel position of the Office of the City Attorney, Harbor Division, from the present grade of Senior Assistant City Attorney to Chief Assistant City Attorney be authorized; (2) the Resolution authorizing the transfer of \$9,206.09 from the Unappropriated Balance to Harbor Department City Attorney's Office Account No. 57010, Division 120, Program 000 be adopted; and (3) the Board Secretary be directed to transmit the position authority to the Los Angeles City Council for approval pursuant to Charter Section 246.

- 8. Re: REQUEST FOR ADDITIONAL POSITION AUTHORITIES FOR THE OFFICE OF CITY ATTORNEY, HARBOR DIVISION**

Recommendation: Board resolve that (1) the addition of two Assistant City Attorney positions and one Legal Secretary III position to the Office of the City Attorney, Harbor Division be authorized; (2) the Resolution authorizing the transfer of \$232,002.60 from the Unappropriated Balance to Harbor Department City Attorney's Office Account No. 57010, Division 120, Program 000 be adopted; and (3) the Board Secretary be directed to transmit the position authority to the Los Angeles City Council for approval pursuant to Charter Section 246.

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Marketing

9. 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 period with two (2), one-year renewal options.

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.

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Environmental

10. Re: APPROVAL OF PROPOSED FIRST AMENDMENT TO AGREEMENT 2395 WITH STARCREST CONSULTING GROUP, LLC AND THE CITY OF LOS ANGELES FOR ONGOING AIR QUALITY CONSULTING SERVICES

SUMMARY: Staff requests the Board of Harbor Commissioners approve First Amendment to Agreement 2395 with Starcrest Consulting Group, LLC to increase the not-to-exceed compensation amount by \$1,000,000. Starcrest Consulting Group, LLC has served as the primary consultant support first for the No Net Increase Task Force and subsequently for preparation of the San Pedro Bay Ports Clean Air Action Plan and organizing 2005 emissions inventory. This amendment is necessary to support continued development of the Clean Air Action Plan, the detailed implementation strategies to be developed upon Board Approval of the plan and to specialized support on other air program activities and inventory work.

Recommendation: Board resolve that (1) Amendment No. 1 to Agreement No. 2395 between Starcrest Consulting Group, LLC and the City of Los Angeles, be approved; (2) the Executive Director be authorized to execute the increase in compensation for Agreement No. 2395 from \$1,500,000 to \$2,500,000; and (3) the Executive Director and the Board Secretary be authorized to execute and to attest to said Amendment for and on behalf of the Board of Harbor Commissioners.

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11. Re: APPROVAL OF PROPOSED FIRST AMENDMENT TO AGREEMENT 2396 WITH TETRA TECH, INC. AND THE CITY OF LOS ANGELES FOR ONGOING AIR QUALITY CONSULTING SERVICES

SUMMARY: Staff requests the Board of Harbor Commissioners approve First Amendment to Agreement 2396 with Tetra Tech, Inc. to increase the not-to-exceed compensation amount by \$1,000,000. Tetra Tech, Inc. has provided specialized consultant support on a number of air initiatives, including the Environmental Cooperation with Port of Shanghai and the Pacific Ports Air Quality Collaborative, technical evaluation of emission reduction programs, source testing, air monitoring, risk assessments and support for the development of the San Pedro Clean Air Action Plan. This amendment is necessary to provide continued specialized support on air program activities.

Recommendation: Board resolve that (1) Amendment No. 1 to Agreement No. 2396 between Tetra Tech, Inc. and the City of Los Angeles, be approved; (2) the Executive Director be authorized to execute the increase in compensation for Agreement No. 2396 from \$1,500,000 to \$2,500,000; and (3) the Executive Director and the Board Secretary be authorized to execute and to attest to said Amendment for and on behalf of the Board of Harbor Commissioners.

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Regular Items (12 & 13)

12. Re: PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND WILSON & COMPANY, INC., ENGINEERS & ARCHITECTS FOR DESIGN SERVICES FOR THE WATERFRONT RED CAR LINE EXPANSION STUDY

SUMMARY: This action will authorize an agreement with Wilson & Company, Inc., for a three-year contract term, not-to-exceed \$1,998,500, to provide the Port of Los Angeles (Port) with engineering services for a possible Waterfront Red Car Line Expansion. This work will be divided into four sequential tasks with separate budgets as noted below. Each subsequent task will be authorized only when Senior Management reviews and accepts the work performed in the preceding task.

Task 1 – Waterfront Red Car Line Expansion Feasibility Assessment (Cost: \$522,400)

Task 2 – Preliminary Study of Waterfront Red Car Line Extensions and Support of Environmental Assessment (Cost: \$966,600)

Task 3 - Waterfront Red Car Line System Conceptual Development (Cost: \$268,000)

Task 4 - Conceptual Studies for a New Red Car Maintenance and Museum Facility (Cost: \$241,500)

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 economically and feasibly by an independent consultant rather than by City employees; (2) the subject agreement with Wilson & Company, Inc., Engineers & Architects, 200 S. Los Robles Avenue, Pasadena, California 91101 in the amount of \$1,998,500 be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board.

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Environmental

13. Re: APPROVAL OF AMENDED PORT MITIGATION POLICY
RELATING TO CEQA

SUMMARY: This Board item amends the previously-approved Board resolution concerning mitigation policy to create an Ad Hoc Committee of the Board on CEQA policy.

Recommendation: Board resolve that the transmitted Board Resolution amending the previously-adopted Resolution No. 6389 concerning mitigation of all environmental effects of Port projects to the maximum extent feasible to provide for the creation of an Ad Hoc Committee to oversee development and implementation of CEQA policies in present and future Port projects be approved.

G. CLOSED SESSION

1. 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.
2. 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.
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.
4. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [two (2) potential cases].