

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, AUGUST 7, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

**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. PRESENTATION

Update on Licensed Motor Carriers Outreach Efforts

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meetings of the Los Angeles Board of Harbor Commissioners of May 1, 2008 and May 15, 2008, and special meeting of June 19, 2008, be approved.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-7)

Commission Office

1. Re: RESOLUTION NO. _____ CONCURRING IN THE ACTION OF THE LOS ANGELES CITY COUNCIL IN NAMING THE LOBBY AREA OF THE BANNING'S LANDING COMMUNITY CENTER THE "GEORGE DE LA TORRE RECEPTION AREA"

Recommendation: Adoption of the subject resolution.

Real Estate Division

2. RE: RESOLUTION NO. _____ - PROPOSED TERMINATION AGREEMENT BETWEEN GIL AND MANUELA PEREZ, THE PORT OF LOS ANGELES, AND THE PORT OF LONG BEACH

Summary: The Port of Los Angeles and the Port of Long Beach (collectively, "Ports") jointly own the railroad right-of-way located northeast of 8648 South Atlantic Boulevard in South Gate, as depicted on the attached map. As a result of the purchase of the property from Union Pacific Railroad (UPRR), the Ports became the successors in interest to a lease agreement (Lease Audit #88250) with Gil and Manuela Perez (Perez). Lease Audit #88250 permitted use of a portion of the railroad property for access and storage purposes. In May 2006, Perez notified the Ports of their intention to vacate the premises. At the time of departure, Perez owed the Ports \$8,088 in delinquent rent payments. Prior to termination, staff from the Ports initiated negotiations for a termination agreement to collect delinquent rent owed to the Ports.

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2. (Continued)

Recommendation: Board resolve that (1) the proposed Termination Agreement between Gil and Manuela Perez, the Port of Los Angeles, acting by and through its Board, and the Port of Long Beach, acting by and through its Board be approved; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the proposed Termination Agreement; and (3) Resolution No. _____ be adopted.

Planning & Research

**3. Re: RESOLUTION NO. _____ FOR THE APPROVAL OF
A PERSONAL SERVICES AGREEMENT BETWEEN THE
CITY OF LOS ANGELES AND LOS ANGELES
NEIGHBORHOOD INITIATIVE**

SUMMARY: The Port of Los Angeles (Port) proposes to enter into an Agreement with the Los Angeles Neighborhood Initiative (LANI) to develop a community consensus-based land use plan for Knoll Hill after Eastview Little League (Eastview) is relocated. The Agreement is for a term of two years. The total compensation payable under this Agreement will not exceed \$120,000.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Agreement can be performed more feasibly by an independent consultant than by City employees; (2) the Agreement between the City of Los Angeles and Los Angeles Neighborhood Initiative be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement, for and on behalf of the Board; and (4) Resolution No. _____ for the approval of a Personal Services Agreement between the City and LANI be adopted.

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Engineering Division

4. Re: RESOLUTION NO. _____ - PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CH2M HILL, INC., FOR THE SAMPSON WAY (7TH STREET TO 22ND STREET) ROADWAY IMPROVEMENTS PROJECT

SUMMARY: The Agreement with CH2M HILL, Inc., located in Los Angeles, California, provides the Port of Los Angeles with planning and engineering design services for the Sampson Way (7th Street to 22nd Street) Roadway Improvement (Project) located in San Pedro. This action will authorize a professional services Agreement with CH2M HILL, Inc., for a 3-year term in the not-to-exceed amount of \$4,987,768.

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) the subject Agreement with CH2M HILL, Inc., in the not-to-exceed amount of \$4,987,768 be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement for and on behalf of the Board; and (4) Resolution No. _____ be adopted.

Construction Division

5. Re: RESOLUTION NO. _____ AUTHORITY FOR ADJUSTMENT NO. 2 – DECREASE - FINAL QUANTITY ADJUSTMENT - CONTAINER CRANE RELOCATION AND DRIVE UPGRADE – CONTRACT NO. 2238 WITH RIGGING INTERNATIONAL, SPECIFICATION NO. 2658A

SUMMARY: On September 22, 2006, the Board of Harbor Commissioners awarded the Container Crane Relocations and Drive Upgrade contract to Rigging International, Inc., for \$2,039,500. Authority for Adjustment No. 2 will adjust the final lump sum amount for Bid Item No. 4 to reflect actual amounts utilized and will decrease the net contract amount by \$212,192.

Recommendation: Adoption of Resolution No. _____ approving Authority for Adjustment No. 2 authorizing a decrease to the contract amount of \$212,192.

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6. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT
– CONSTRUCTION MANAGEMENT SERVICES FOR
THE CABRILLO WAY MARINA PHASE II PROJECT –
CONSULTANT: TRANSYSTEMS CORP.

SUMMARY: The Cabrillo Way Marina Phase II Project will construct a new marina in the West Channel, immediately opposite the existing Cabrillo Way Marina. The development will accommodate a 700-slip marina including 400 mast-up storage spaces, retail and commercial uses, and a yacht club. Construction will include dredging and fill, rock dikes, reinforced concrete piling, floating docks, earthwork, concrete work, grading and paving, utilities, buildings, lighting, landscaping, and a promenade. This Agreement will provide essential construction management services for the Cabrillo Way Marina Phase II Project. TranSystems Corp., located in Long Beach, California, is recommended to provide the required services. The Agreement amount plus 5% contingency is \$4,914,000 and the Agreement duration is 1,095 calendar days.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Agreement can be performed more economically and feasibly by an independent contract than by city employees, and is necessary due to a peak in work volumes, current employees being committed to other assignments, and expertise that is needed for marina improvement projects; (2) the proposed Agreement with TranSystems Corp., be approved; (3) Resolution No. _____ to award the above mentioned Agreement to TranSystems Corp. in the amount of \$4,680,000; that a 5% contingency not included in the original Agreement amount be authorized for the total authorized amount of \$4,914,000 be adopted; and the payment be authorized from the Construction Management Support Services Account. The Agreement duration for performance of the work will be 1,095 calendar days from the notice to Proceed; and (4) the Executive Director and the Board Secretary be authorized to execute and attest to this Agreement for an on behalf of the Board.

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Public Relations & Legislative Affairs

7. Re: RESOLUTION NO. _____ - AGREEMENT WITH RON ROGERS & ASSOCIATES DBA THE ROGERS GROUP FOR COMMUNITY OUTREACH SERVICES

SUMMARY: The Harbor Department (Port) proposes to modify an Agreement proposed and pending with Ron Rogers & Associates (DBA The Rogers Group), Los Angeles, Calif. The proposed Agreement with Rogers & Associates, and a second Agreement with Hill & Knowlton, was approved (Resolution No. 08-6565) by the Board of Harbor Commissioners on June 19, 2008; but the contracts were never executed. Following internal discussions and direction from Mayor Antonio Villaraigosa in a correspondence dated July 23, 2008, the new Agreement proposed will focus on the most time-critical and significant public education and community outreach initiatives over the next 12 months.

The proposed Agreement is curtailed to remove provisions for extending The Rogers Group contract beyond one year without Board approval and remove consultant services related to obtaining media coverage. The scope of work will be focused solely on time-critical communications supporting the Clean Truck Program and development/implementation assistance for a public education and outreach program that provides additional communications channels for Clean Truck Program outreach. All remaining terms and conditions of the Agreement shall remain in full force and effect.

This modified, one-year Agreement with The Rogers Group is at a total sum not to exceed \$350,000, reflecting a \$150,000 reduction from the original first-year Agreements with both firms. The original Agreements, if executed, could have totaled as much as \$1,350,000 over three years if the firms were fully utilized. The previously proposed Hill & Knowlton contract was for \$200,000 per year, renewable annually, for a maximum term of three years.

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7. (Continued)

Recommendation: Board resolve that (1) Resolution No. 08-6565 approving Agreements with The Rogers Group and Hill & Knowlton be rescinded; (2) the modified Agreement with The Rogers Group which reduces the maximum compensation from up to \$750,000 over three years to \$350,000 for one year, removes additional one-year options, removes services pertaining to obtaining media coverage from the scope of work, and now includes specific deliverables in support of the mobile education and public outreach program the Port will launch in September; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to the modified Agreement; and (4) Resolution No. _____ be adopted.

REGULAR ITEM (No. 8)

City Attorney

8. Re: RESOLUTION NO. _____ - FIRST AMENDMENT TO AGREEMENT NO. E6450 BETWEEN THE CITY AND DOCUMENT TECHNOLOGIES, LLC FOR ELECTRONIC DISCOVERY SERVICES

SUMMARY: Pursuant to Agreement No. E6450, Document Technologies, LLC provides the Port of Los Angeles with electronic discovery services related to Port legal matters as directed by the Office of the City Attorney in coordination with the Port's Information Technology Division. This action is for the approval of the First Amendment to Agreement No. E6450 increasing the total compensation by \$600,000 to a total not-to-exceed amount of \$750,000, and extending the term of the Agreement to three years. The proposed Amendment is further discussed in a separate attorney-client privileged closed session Board Report from the Office of the City Attorney.

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8. (Continued)

Recommendation: Resolve that (1) the Board find that in accordance to Charter Section 1022 that the scope of work of the proposed Amendment is of a temporary and occasional nature and is best completed and more feasibly provided by an outside contractor on an interim basis; (2) the First Amendment to Agreement No. E6450 increasing the not-to-exceed amount to \$750,000 and extending the term to three years be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to the First Amendment; and (4) Resolution No. _____ authorizing the proposed First Amendment to Agreement No. E6450 be adopted.

I. DEPUTY EXECUTIVE DIRECTOR REPORT

Deputy Executive Director Molly Campbell.

J. CLOSED SESSION

- 1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 2. Discussion of pending litigation entitled: City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**

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- J. CLOSED SESSION - (Continued)**
- 3. Discussion of pending litigation entitled: Raymond T. Durr v. James H. Peterson, et al., Los Angeles Superior Court Case No. BC333163, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. Discussion of pending litigation entitled: Alicia Unger v. City of Los Angeles, et al., United States District Court Case No. 08-02139-SVW, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 5. Discussion with legal counsel concerning significant exposure to litigation [three (3) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 6. Evaluation of Executive Director pursuant to Section 54957 of the California Government Code.**