

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
WEDNESDAY, SEPTEMBER 20, 2006, AT 6:00 P.M.
BANNINGS LANDING
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. COMMENTS FROM THE PUBLIC

C. MISCELLANEOUS REPORTS

1. Report of the Executive Director
2. Report of Commissioners

D. PRESENTATIONS/BRIEFINGS

1. Dr. James Fawcett – Survey and Evaluation of the
Port Community Advisory Committee

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E. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3, 5-9)

Construction

1. Re: CONTRACT COMPLETION – 2002-2003 SITE IMPROVEMENTS – CONTRACT NO. 2206 WITH SULLY-MILLER CONTRACTING CO., SPECIFICATION NO. 2582

SUMMARY: The Board of Harbor Commissioners awarded the 2002-2003 Site Improvements contract to Sully-Miller Contracting Company on April 10, 2002 in the amount of \$14,452,125. Construction commenced on May 10, 2002 and was completed on May 9, 2005. The revised contract amount is increased to \$18,182,655.49, approximately 25.81 percent higher 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) Authority for Adjustment (AFA) Nos. 1 through 157, 159 through 209, 211, 213, and 215 through 221 showing a net increase to the contract amount of \$9,510,297.11 be received and ordered filed; (2) AFA Nos. 158, 210, 212, 214 and 222 for an aggregate decrease of \$5,779,766.62 be approved, and Supplemental Agreement No. 1 to increase the contract limitation on changes from 25 percent to 25.81 percent of the contract bid amount be approved and payment authorized; and (3) the subject contract be formally accepted as complete.

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Commission Office

- 2. Re: RESOLUTION IN SUPPORT OF PROPOSITIONS 1A
AND 1B**

Recommendation: Adoption of subject resolution.

- 3. Re: RESOLUTION SETTING DATES AND TIMES FOR
BOARD MEETINGS**

Recommendation: Adoption of subject resolution.

- 4. WITHDRAWN**

- 5. Re: RESOLUTION SUPPORTING PORT POLICE STAFFING
INCREASES**

Recommendation: Adoption of subject resolution.

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Real Estate

6. Re: PROPERTY EXCHANGE AGREEMENT BETWEEN KONOIKE-PACIFIC CALIFORNIA INC., PORT OF LOS ANGELES, PORT OF LONG BEACH, AND ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

SUMMARY: Alameda Corridor Transportation Authority is proposing to add an additional track connection to the Alameda Corridor so that railroads can connect to the Corridor from multiple directions. This will improve rail efficiency and eliminate the need for trains to pass through crossing diamonds, which would otherwise lead to traffic congestion on local streets. The proposal calls for the use of land currently owned by Konoike-Pacific California Inc. located at Pacific Coast Highway and Alameda Street in the City of Los Angeles. To assist in the development of this critical transportation project, Alameda Corridor Transportation Authority and the Ports of Los Angeles and Long Beach are proposing a property exchange with Konoike-Pacific California Inc.

Recommendation: Board resolve that (1) the Order and Ordinance approving and authorizing the execution of the proposed property exchange agreement by and between 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, the Alameda Corridor Transportation Authority (ACTA), and Konoike-Pacific California Inc., be adopted; (2) the Board Secretary be authorized and directed to transmit the Order and Ordinance to the City Council for its approval pursuant to Section 385 of the City Charter; and (3) the Executive Director and Board Secretary be authorized to execute the proposed Order and, as necessary, instruments of acceptance upon approval of the City Council.

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Environmental

7. Re: ACCEPTANCE OF \$250,000 GRANT FROM THE
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY

SUMMARY: The U.S. Environmental Protection Agency (EPA) has awarded a grant to the City of Los Angeles Harbor Department in the amount of \$250,000 to enhance the Port-wide Air Quality Monitoring Program by deploying real-time polycyclic aromatic hydrocarbons (PAH) analyzers. This measure will enhance the Port's current monitoring study and can be used to supplement measurements at the National Air Toxics Trend Stations. The additional monitoring data collected is critical for community-scale air toxics exposure assessments.

Recommendation: Board resolve that (1) the attached Resolution authorizing the Harbor Department to accept from the U.S. Environmental Protection Agency Grant Award ID No. XA-96963101-0 in the amount of \$250,000 be adopted; and (2) the Executive Director be authorized to execute the attached Grant Agreement for and on behalf of the Board.

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Contracts and Purchasing

8. Re: APPROVAL OF CONTRACT NO. 39357 WITH
EXTENSITY, INC. FOR COMPUTER SOFTWARE
MAINTENANCE

SUMMARY: Award of an annual contract to Extensity, Inc. (formerly known as GEAC Enterprise Solutions, Inc.), 66 Perimeter Center East, Atlanta, Georgia, for software maintenance services for the Port's financial software.

Recommendation: Board resolve that (1) the proposed contract with Extensity, Inc., 66 Perimeter Center East, Atlanta, Georgia, for software maintenance and technical support for an amount not-to-exceed \$224,362.00 for an initial one-year period, including taxes, be approved; (2) the Executive Director, or her designee, be authorized to execute the contract on behalf of the Board; and (3) the Board Secretary be authorized and directed to forward the amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

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Executive Offices

9. Re: SECOND AMENDMENT TO AGREEMENT NO. E6281
BETWEEN THE CITY OF LOS ANGELES AND ROBERT
P. HENRY

SUMMARY: This agreement with Robert P. Henry of Rancho Palos Verdes, CA, is to provide temporary administrative assistance to the Department's Commission Office. In addition, Mr. Henry will be called upon to provide, on a limited basis, expertise and guidance on the operation of the Red Car Line and plans for expansion of the Red Car Line.

Recommendation: Resolve that (1) the Board find that the scope of work to be completed is of a temporary and occasional nature and is best completed by a contractor on interim basis; (2) the Second Amendment to Agreement E6281 with Robert P. Henry, which provides for an additional eighteen-month period and additional payments under the agreement in the amount of \$244,000 including expenses and professional liability and property damage insurance premiums, for a total amount not to exceed \$404,000 through June 30, 2008, be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and to attest to the approval of this agreement.

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Regular Item (No. 10 & 11)

Executive Director

10. Re: STAFF RESPONSE TO PORT OF LOS ANGELES
COMMUNITY ADVISORY COMMITTEE RECOMMEND-
ATIONS NUMBERS 45, 48, 49, 56 AND 57

SUMMARY: This is staff response to the Port Community Advisory Committee (PCAC) Recommendation Numbers 45, 48, 49, 56 and 57. Each of these PCAC recommendations relates to aesthetics along North Gaffey Street and was intended to support and enhance the Northwest San Pedro Beautification project that is being carried out with China Shipping Aesthetic Mitigation funds. The Northwest San Pedro Beautification project is independent of these PCAC recommendations. Staff recommends approval of PCAC Recommendation 45 (removal of billboards); denial of Recommendations 48, 49, 56 and 57; and direct staff to work on alternative improvements to help fulfill the intent of the PCAC recommendations.

Recommendations: Board resolve that (1) PCAC Recommendation Number 45 be considered and approved; (2) PCAC Recommendation Numbers 48, 49, 56 and 57 be considered and denied; and (3) the reasons, findings, and staff recommendations set forth in the following board report discussion be adopted.

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Contracts & Purchasing

11. Re: AWARD OF CONTRACT NO. 39346 FOR THE PURCHASE OF TWO (2) POLICE PATROL BOATS, BID #F-503, TO SAFE BOATS INTERNATIONAL, LLC

SUMMARY: Award of Contract #39346 to SAFE Boats International, LLC, 8800 Barney White Road, Port Orchard, WA 98367, for the purchase of two (2) police patrol boats to be used on daily 24-hour patrol functions and operations, as well as to address continuing security concerns.

Recommendation: Board resolve that (1) approval be granted for awarding of Contract No. 39346 to SAFE Boats International, LLC, 8800 Barney White Road, Port Orchard, WA 98367, in the total amount of \$1,304,458.09, including sales tax, for the purchase of two 31-ft. police patrol boats; and (2) the Executive Director, or her designee, be authorized to execute the contract on behalf of the Board of Harbor Commissioners.

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F. 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: 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.
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.
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.
5. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [one (1) potential case].