

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

BOARD OF HARBOR COMMISSIONERS

President S. David Freeman

Vice President Jerilyn Lopez 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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

B. COMMENTS FROM THE PUBLIC

C. MISCELLANEOUS REPORTS

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

D. PRESENTATIONS/BRIEFINGS

- 1. Briefing on the New Clean Marina Recognition Program**

E. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-4)

Engineering

- 1. Re: EXERCISE THE TWO-YEAR EXTENSION TO AGREEMENT NO. 2072 WITH CALIFORNIA INTERGRATED INFORMATION NETWORK MASTER SERVICE AGREEMENT (CALNET) WITH AT&T (FORMERLY SBC) THROUGH THE STATE OF CALIFORNIA FOR LOCAL, VOICE AND DATA TELEPHONE SERVICES**

SUMMARY: *To authorize the execution of the two-year extension option with CALNET, an AT&T Government Agency specific contract, Agreement No. 2072 for local, voice and data telephone services.*

Recommendation: Board resolved that (1) the attached Exhibit B-3 Authorization to Order for the two-year extension with AT&T be approved; (2) the Executive Director be authorized to exercise the two-year extension option with AT&T commencing December 14, 2006 as set forth in the existing agreement; (3) the Board Secretary be authorized and directed to forward Exhibit B-3 Authorization to Order to the City Council for approval pursuant to Section 373 of the City Charter; and (4) the Executive Director, or her designee, be authorized to execute the Exhibit B-3 Authorization to Order on behalf of the Board.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

2. Re: **PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND DMJM + HARRIS FOR BERTHS 121-131 WHARF UPGRADE AND BACKLAND IMPROVEMENTS**

SUMMARY: This agreement with DMJM + Harris, 999 Town and Country Road, Orange, California 92868, provides the Port of Los Angeles with design and support services for wharf upgrade, marine operations building, rail and backland improvements at Berths 121-131. This action will authorize a three-year contract term for a not-to-exceed amount of \$7,840,000.

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 feasible by an independent consultant rather than by City employees; (2) the subject agreement with DMJM + Harris for a not-to-exceed amount of \$7,840,000, be approved; 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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

Contracts & Purchasing

- 3. Re: INCREASE OF FUNDING FOR CONTRACT NO. 30772-06 WITH PLUMBING & INDUSTRIAL SUPPLY CO. FOR THE PURCHASE OF PLUMBING FIXTURES AND SUPPLIES**

SUMMARY: Increase funding for Contract No. 30772-06 with Plumbing & Industrial Supply Co., P.O. Box 868, Whittier, CA 90608, for purchase of plumbing fixtures and supplies from \$149,000 to \$280,000 for the contract term ending January 31, 2007.

Recommendation: Board resolve that (1) the increase in funding of the Purchase Order No. 30772-06 for the annual requirements of the Department for the purchase of plumbing fixtures and supplies to Industrial Plumbing & Supply Co., P.O. Box 868, Whittier, CA 90608, for the contract year ending January 31, 2007 be approved, and the Executive Director be authorized to execute the change on behalf of the Board; and (2) the Executive Director be authorized to exercise one-year renewal options, in accordance with City of Los Angeles Department of General Services Contract No. 58063, if it is so desired.

- 4. Re: PROPOSED RESOLUTION ADOPTING THE CITY SWEAT-FREE PROCUREMENT POLICY**

SUMMARY: The proposed resolution would adopt the City's Sweat-Free Procurement Policy as outlined in Ordinance No. 176291 approved by City Council on November 9, 2004, reflecting the City Council's directive to prevent City procurement of materials or supplies produced by sweatshop labor, child labor, or other abused workers.

Recommendation: Board resolve that (1) the proposed Resolution regarding sweat-free procurement be adopted; and (2) staff be directed to work with General Services and other agencies to insure that no Department funds are used to purchase materials or products from contractors who engage in sweatshop, child labor or other similar activities described in the Ordinance.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

Engineering

5. Re: APPROVAL OF THE ADVANCED TRANSPORTATION MANAGEMENT INFORMATION AND SECURITY SYSTEM (ATMIS) METRO SUPPLEMENTAL CALL FOR PROJECTS APPLICATION

SUMMARY: A Metro (MTA) Supplemental Call for Projects funding application has been completed for the Advanced Transportation Management, Information, and Security (ATMIS) System, a joint project among the Port of Los Angeles, the Port of Long Beach, and the Alameda Corridor Transportation Authority. This funding would supplement the existing program and expand ATMIS implementation. In the event that funding is awarded, a required match of \$583,690 is required from each of the three agencies.

Recommendation: Board resolve that (1) the Executive Director be authorized to approve the Metro Supplemental Call for Projects Application; (2) the required match of up to \$583,690 to the Port of Long Beach pursuant to an amended Port of Los Angeles, Port of Long Beach and Alameda Corridor Transportation Authority Cost Sharing Agreement be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to an agreement covering the aforementioned transaction for and on behalf of the Board, in the event that the requested funding is granted.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

6. 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 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 and 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.

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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

Port Police

- 7. Re: AWARD OF CONTRACT NO. 39356 WITH MOTOROLA C & E INC., FOR A RADIO INTEROPERABILITY SYSTEM**

SUMMARY: Award of Contract No. 39356, to Motorola C & E, Inc., 6450 Sequence Drive, San Diego, CA 92121, for the purchase and installation of a radio communication enhancement system for the Los Angeles Port Police.

Recommendation: Board resolve that (1) approval be granted for awarding of Contract No. 39356 for the purchase and installation of a radio interoperability system to Motorola C & E, Inc., 6450 Sequence Drive, San Diego, CA 92121, in the amount of \$375,379.60; (2) the Executive Director be authorized to execute it on behalf of the Board; and (3) the transfer of funds in the amount of \$375,379.60 from Account No. 54290 (Miscellaneous Professional Services), Division 0412, Program 000 to Account No. 13240 (Capital Equipment), Division 0412, Program 640, be authorized.

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: 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.**

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS
THURSDAY, OCTOBER 19, 2006, AT 8:30 AM
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA 90744**

- 3. Discussion of pending litigation entitled: ExxonMobil Oil Corp. v. Board of Harbor Commissioners, et al., United States District Court Case No. CV-01-07044, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. Instructions to negotiators relating to lease negotiations with Northrop Grumman concerning 222 West Sixth Street, San Pedro, CA 90731, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Northrop Grumman will be Erik Van't Hof. The negotiator for the Port of Los Angeles will be Phil Tondreault.**
- 5. Instructions to negotiators relating to lease negotiations with the Port of Los Angeles High School concerning proposed Lease No. 867, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for the Port of Los Angeles High School will be Jim Cross. The negotiator for the Port of Los Angeles will be Geraldine Knatz, Ph.D. and Phil Tondreault.**
- 6. 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.**
- 7. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [two (2) potential cases].**