

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.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. 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, 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 2
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

B. COMMENTS FROM THE PUBLIC

C. MISCELLANEOUS REPORTS

- 1. Report of the Executive Director - Presentation on the LA Waterfront**
- 2. Report of Commissioners**

D. PRESENTATIONS

- 1. Port of Los Angeles Tree Planting Program - Kurt Arend**

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

E. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3)

Construction

- 1. Re: AWARD OF CONTRACT – 2006-2007 SITE IMPROVEMENTS, SPECIFICATION NO. 2683**

SUMMARY: The project consists of nonexclusive on-call general site improvements throughout the San Pedro, Wilmington, and Terminal Island districts. The low bidder is Shawnan, at 12240 Woodruff Ave., Downey, CA. The contract amount is \$13,693,816, and the contract duration is 730 calendar days.

Recommendation: Board resolve that (1) the above-mentioned contract for the 2006-2007 Site Improvements for Item Nos. 1 through 84 of the proposal schedule be awarded to Shawnan in the amount of \$13,693,816, and payment be authorized from the Harbor Department Construction Account. The contract time for performance of the work will be 730 calendar days from the first Notice to Proceed. Separate project approvals and Notices to Proceed will be issued for individual projects. Project costs will be based on the competitively-bid unit prices included in Item Nos. 1 through 84; (2) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; (3) the Board delegate and authorize the Executive Director to approve all future projects and issue Notices to Proceed under this contract for and on behalf of the Board up to the limit of the total contract as provided in Recommendation No. 1; and a staff member be appointed to the Project Labor Agreement (PLA) Joint Administrative Committee to monitor the PLA; and (4) delegate and authorize the Executive Director to accept this construction contract upon its completion, in accordance with City Charter 655(g).

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

2. Re: **AWARD OF CONTRACT – BERTHS 90-91 CRUISE
TERMINAL BAGGAGE HANDLING BUILDING,
SPECIFICATION NO. 2686A**

SUMMARY: This project consists of the purchase and installation of a 72,000 square foot stressed membrane structure at the Berths 90-91 Cruise Terminal for use as an additional baggage handling facility. The low bidder is Griffith Company, 12631 E. Imperial Highway, Santa Fe Springs, CA. The contract amount is \$11,393,800, and the contract duration is 210 calendar days.

Recommendation: Board resolve that (1) the contract for the Berths 90-91 Cruise Terminal Baggage Handling Building for Item Nos. 1 through 11 of the proposal schedule be awarded to Griffith Company in the amount of \$11,393,800 and payment be authorized from the Harbor Department Construction Account. The contract time for performance of work under this agreement shall be 210 calendar days from the Notice to Proceed; (2) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; (3) the Executive Director be authorized to appoint a staff member to the Project Labor Agreement (PLA) Joint Administrative Committee to monitor the PLA; and (4) delegate and authorize the Executive Director to accept the construction contract upon its completion, in accordance with City Charter 655(g).

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

Real Estate

**3. Re: PROPOSED PERMIT NO. 872 TO THE DOW CHEMICAL
COMPANY FOR EXISTING PIPELINE RIGHT-OF-WAY
ON TERMINAL ISLAND**

SUMMARY: It is proposed that the Dow Chemical Company (Dow) be issued a new permit, Permit No. 872, for four existing pipeline rights-of-way on Terminal Island. These pipeline rights-of-way total 26,329 square feet and are located near New Dock Street and Henry Ford Avenue, as shown on the attached aerial maps. The pipeline rights-of-way will be used for the construction, operation, and maintenance of pipelines transporting styrene, a chemical used in the manufacturing of such products as tires, shoe soles, and gaskets. These pipelines serve the Vopak liquid bulk facility located in the Port of Long Beach, at the northwest corner of New Dock Street, and the Terminal Island Freeway. The pipelines are currently idle, but Dow plans on placing them back into service at some future date.

Previously, Dow operated these pipelines under Permit 834, which was a five-year permit that expired on July 26, 2006. The permit was not immediately renewed due to ongoing negotiations with Dow, which were completed with Dow in late fall 2006.

This item was carried over from the Board of Harbor Commissioner's Meeting of February 1, 2007. In response to questions asked by the Board regarding possible soil and/or groundwater contamination, the proposed permit contains terms addressing these issues. These are summarized as follows:

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

3. (Continued)

- 1. *Section 8(b)(3) allows the Port to direct Dow to complete a site characterization of their premises to determine any soil and ground water contamination along the rights-of-way exits, and then submit a remediation action plan if any contamination is identified. The site characterization and remediation plans are to be approved by the Port, and Dow is responsible for the cost.***
- 2. *Section 8(c)(2) places responsibility for cleanup on Dow.***
- 3. *Section 8(c)(3) requires Dow to post a surety bond to assure removal of hazardous materials from their premises. The amount of the surety bond shall be determined by the Executive Director, with allowances for tenant input.***

Recommendation: Adoption of the Order approving and authorizing the execution of Permit 872 with Dow Chemical Company, based on the terms and conditions as set forth in the Board report.

(Board report dated January 25, 2007 be withdrawn)

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

Regular Items (4-9)

Engineering

4. Re: STAFF RESPONSE TO PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 42

SUMMARY: Following is staff's response to the Port Community Advisory Committee (PCAC) Recommendation No. 42. The motion recommends that the Board instruct the Port Staff to plant sod or hydro-seed the undeveloped Port-owned land in Wilmington and San Pedro Districts (excluding Terminal Island) on a temporary basis, provide temporary irrigation systems sufficient to maintaining the grass in good condition, and open these areas to public access as appropriate.

Recommendation: Board resolve that (1) Recommendation No. 42 from the Port Master Plan Subcommittee be received and approved; (2) staff be directed to create a physical boundary that is distinctive, recognizable, and well maintained, consistent with the Port's strategic plan; and (3) staff be directed to consider the intent of the recommendation in the context of the ongoing development of the Los Angeles Waterfront and improve additional areas where either temporary or permanent landscaping would meet the intent of creating an aesthetically landscaped port boundary and additional public access as appropriate.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

City Attorney

- 5. Re: AGREEMENTS FOR SERVICES OF BOND COUNSEL TO THE HARBOR DEPARTMENT AND THE LOS ANGELES CITY ATTORNEY WITH SIDLEY AUSTIN LLP, NIXON PEABODY LLP, QUATEMAN LLP, AND GIBBS & OLIPHANT LLP**

Recommendation: Board resolve that (1) the Order approving four bond counsel contracts with the firms of Sidley Austin LLP, Nixon Peabody LLP, Quateman LLP, and Gibbs & Oliphant LLP to provide bond counsel services to the Los Angeles Harbor Department and to the Los Angeles City Attorney be adopted; and (2) the Resolution authorizing the transfer of One Million Dollars (\$1,000,000) from the Unappropriated Balance of the Harbor Department's Revenue Fund to Division 0120, Account Code 54410, Program 000 to cover payment for all four contracts be adopted as follows:

Sidley Austin LLP	\$300,000
Nixon Peabody LLP	\$300,000
Quateman LLP	\$200,000
Gibbs & Oliphant LLP	\$200,000

These transfers shall be subject to approval by the Mayor pursuant to Section 343(b) of the City Charter. The firms will provide budgets when specific projects arise and we will return to the Board for additional appropriations when appropriate and necessary.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 9
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

Environmental

**6. Re: STAFF RESPONSE TO PORT OF LOS ANGELES
COMMUNITY ADVISORY COMMITTEE RECOMMEND-
ATION NO. 67**

SUMMARY: This Board Letter is the staff response to the Port Community Advisory Committee (PCAC) Recommendation No. 67, which requests that the Port approve only those EIRs that mitigate any significant air quality impacts to a level of insignificance. While the Port is committed through its approved Clean Air Action Plan (CAAP) to significantly reduce levels of diesel particulate matter (PM) and residential health risk from Port operations, staff is recommending denial of Recommendation No. 67 as infeasible and/or in potential conflict with the Board's discretionary authority under the California Environmental Quality Act.

Recommendations: Board resolve that (1) PCAC Recommendation No. 67 be considered and denied; and (2) the reasons, findings, and staff recommendations set forth in the following Board report discussion be adopted.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 10
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

- 7. Re: PROPOSED AGREEMENTS BETWEEN JONES & STOKES, INC., CAMP DRESSER & MCKEE, INC., ENVIRONMENTAL SCIENCE ASSOCIATES, ESSENTIA MANAGEMENT SERVICES, LLC; AND THE CITY OF LOS ANGELES FOR CEQA/NEPA AS-NEEDED SERVICES**

SUMMARY: Staff recommends approval of agreements with Jones & Stokes, Inc., Camp Dresser & McKee Inc. (CDM), Environmental Science Associates (ESA), and Essentia Management Services, LLC California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) services. These firms are to provide environmental services including preparation of CEQA/NEPA documentation and special environmental studies. This action approves four agreements for CEQA/NEPA services in the amount of \$14,000,000. Each contract would be for a term of three years. Three of the contracts would be awarded a not-to-exceed amount of \$4 million each, and one of the contracts would be awarded a not-to-exceed amount of \$2 million. Individual tasks would be assigned through Project Directives.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreements can be performed more feasibly by independent consultants rather than by City employees; (2) the four agreements be approved for a term of 3 years each from the date of execution, for a total amount not-to-exceed \$14,000,000.00 as follows: a) Agreement with Jones & Stokes, Inc. for \$4 Million; b) Agreement with CDM, Inc. for \$4 Million; c) Agreement with ESA for \$4 Million; and d) Agreement with Essentia Management Services, LLC for \$2 Million; (3) the Executive Director be authorized to execute all Project Directives under these Agreements for and on behalf of the Board, including incentive and disincentive provisions discussed hereinafter; and (4) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreements for and on behalf of the Board.

(Board report dated February 1, 2007 be withdrawn)

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 11
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

8. Re: **PROPOSED AMENDMENTS TO AGREEMENT NOS. 2273 AND 2297, BETWEEN CH2M HILL, INC.; SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (SAIC); AND THE CITY OF LOS ANGELES FOR CEQA/NEPA AS NEEDED SERVICES**

SUMMARY: *Staff recommends approval of amendments to consultant agreements with CH2M Hill, Inc., and Science Applications International Corporation (SAIC) for the completion of Environmental Impact Statements/Environmental Impact Reports (EIS/EIRs) associated with China Shipping, Yang Ming, TRAPAC, Pacific Energy and Ultramar. This action will increase the not-to-exceed amount of these agreements by a total of \$3,000,000 without a change in the expiration dates.*

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject agreements can be performed more feasibly by independent consultants rather than by City employees; (2) the two amendments to increase the not-to-exceed amounts in the agreements be approved as follows: a) Agreement 2273 with CH2M Hill, Inc. from \$5,000,000 to \$6,000,000 (increase of \$1,000,000); and b) Agreement 2297 with SAIC, Inc. from \$5,500,000 to \$7,500,000 (increase of \$2,000,000); (3) the Executive Director be authorized to execute all Project Directives under these Agreements for and on behalf of the Board, including incentive and disincentive provisions discussed hereinafter; and (4) the Executive Director and the Board Secretary be authorized to execute and attest to said amendments.

(Board report dated February 1, 2007 be withdrawn)

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 12
THURSDAY, FEBRUARY 15, 2007, AT 6:00 P.M.
BANNINGS LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CALIFORNIA**

Commission Office

9. Re: **RESOLUTION AUTHORIZING COMMISSIONER JOSEPH RADISICH TO TRAVEL TO SOUTH AMERICA, FEBRUARY 25, 2007 THROUGH MARCH 3, 2007 FOR A BUSINESS DEVELOPMENT TRIP**
Recommendation: Adoption of the subject resolution.

F. 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 and retention of outside counsel.
2. 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.