

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
WEDNESDAY, OCTOBER 4, 2006, AT 8:30 A.M.  
BOARD HEARING ROOM, SECOND FLOOR  
425 S. PALOS VERDES STREET  
SAN PEDRO, 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**

**E.    APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the regular meeting of September 6, 2006 for approval.

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F. REPORTS OF THE EXECUTIVE DIRECTOR

**Consent Items (1-7)**

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 be authorized; and (3) the subject contract be formally accepted as complete.

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2. Re: CONTRACT COMPLETION – BERTHS 142-143 WHARF  
REHABILITATION – CONTRACT 2232 WITH JOHN S.  
MEEK CO., INC., SPECIFICATION NO. 2625

*SUMMARY: On January 12, 2006, the Board of Harbor Commissioners awarded the Berths 142-143 Wharf Rehabilitation contract to John S. Meek Co., Inc. for \$743,875. The construction commenced on January 19, 2006 and was completed in 223 calendar days on August 29, 2006. Authority for Adjustment Nos. 1 through 4 increased the contract amount by \$52,752.09. The final revised contract amount is \$796,627.09, approximately 7.09 percent higher than the original contract amount. The Board is requested to accept the subject contract as complete. There are no outstanding claims or issues remaining.*

**Recommendation:** Board resolve that (1) Authority of Adjustment Nos. 1 through 4 showing a net increase to the contract of \$796,627.09 be received and ordered filed; and (2) the subject contract be formally accepted as complete.

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Marketing

3. Re: TEMPORARY ORDER AMENDING THE PORT OF LOS ANGELES TARIFF NO. 4 BY POSTPONING REDUCTION OF FREE TIME ALLOWED AND CHANGE IN FREE TIME CALCULATION

*SUMMARY: A third temporary order is being proposed to allow ample time for the Permanent Board order to pass through City Council approval process. This temporary order, if approved, will expire 90 days after the day it is published or upon execution of the permanent order by City Council, whichever occurs first.*

*The first temporary Board Order was valid for ninety days and became effective on May 25, 2006. The second temporary order became effective on August 4, 2006, and will expire on November 1, 2006. A third temporary order is being proposed to ensure the tariff amendments regarding free time remain intact prior to the execution of the permanent order.*

*The permanent order was approved by the Harbor Commissioners on July 19, 2006.*

**Recommendation:** Board resolve that (1) Port of Los Angeles Tariff No. 4, Item 720, be amended by postponing the reduction of free time allowed on inbound, outbound and transshipped merchandise in intercoastal and foreign and offshore trade for containerized cargo at three days inbound and five days outbound; (2) Port of Los Angeles Tariff No. 4, Item 710 (1) (Free Time, Commences When) be amended to define when free time begins for containerized cargo, specifying inbound merchandise containerized: Free time shall commence at 3:00 AM after the container is discharged from a vessel; and (3) the Board Secretary be authorized to execute the temporary Board Order and transmit same to the Chief Wharfinger for implementation.

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Wharfinger

4. Re: AGREEMENT WITH NIELSEN BEAUMONT MARINE,  
INC. FOR IMPOUNDED VESSEL RELATED SERVICES

*SUMMARY: The proposed Agreement would award a three-year contract to Nielsen Beaumont Marine, Inc. for Towing, Storage, Security, Pump-outs, Inventories, Surveys, Lien Sales and Disposal for Impounded and/or Disabled Vessels.*

**Recommendation:** Resolve that (1) the Executive Director and Board Secretary be authorized to execute and to attest to an agreement with Nielsen Beaumont Marine, Inc. for impounded vessel related services for an amount not to exceed \$300,000 and for a term of three years; (2) the Board find that, in accordance with Charter Section 1022, it is more feasible for this work to be done by an independent contractor than by City employees; and (3) find that, in accordance with Charter Section 371(e)(2) that the services required are "Professional, scientific, expert, technical, or other special services of a temporary and occasional character" for which the Board finds that competitive bidding is not practicable or advantageous.

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Engineering

5. Re: DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF  
LOS ANGELES AND SCIENCE APPLICATIONS  
INTERNATIONAL CORPORATION FOR THE DESIGN  
AND CONSTRUCTION OF A WATERSIDE SECURITY  
SURVEILLANCE SYSTEM

*SUMMARY: The subject agreement with Science Applications International Corporation at 10260 Campus Point Drive, San Diego, CA 92121, in the amount of \$7,613,492.02 is for design, procurement, installation, construction, system integration, and acceptance testing for a waterside security surveillance system. The Waterside Security Surveillance System project is partially funded with \$3,000,000 from the Department of Homeland Security's Transportation Security Administration (TSA) Port Security Grant Program Round 3 Project Number 1 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 consultant rather than by City employees; (2) the attached Resolution approving the subject agreement with Science Applications International Corporation, a California corporation, doing business at 10260 Campus Point Drive, San Diego, CA 92121, for Task Nos. 1 through 16, for a not-to-exceed amount of \$7,613,492.02 and a 26 month construction duration consisting of a 14 month design-build task followed by a 12 month guaranty/maintenance task, be adopted; (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board; and (4) the Board find that the Adesta Best and Final Proposal for Task Nos. 1 through 16, for a not-to-exceed amount of \$6,974,240.12 and a 22 month construction duration consisting of a 10 month design-build task followed by a 12 month guaranty/maintenance task non-responsive due to a significant technical deficiency which failed to meet or exceed the minimum requirements stated in the Request for Best and Final Proposal, and for which such technical deficiency is not a waivable or correctable defect.

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Planning

6. Re: STAFF RESPONSE TO PORT OF LOS ANGELES  
COMMUNITY ADVISORY COMMITTEE RECOMMEND-  
ATION NUMBER 62

*SUMMARY: This provides staff's response to the Port Community Advisory Committee (PCAC) Recommendation Number 62. PCAC recommends to the Board of Harbor Commissioners that the Port of Los Angeles set aside property located at the southeast corner of Anaheim and Alameda Streets to be used as the site for an ILWU office building and new joint Longshore Dispatch Hall. Staff recommends that the Board of Harbor Commissioners approve PCAC Recommendation Number 62.*

**Recommendation:** Board resolve that PCAC Recommendation Number 62 be considered and approved.

City Attorney

7. Re: RESOLUTION APPROVING TRAVEL TO ASIA ON  
PORT BUSINESS FOR COMMISSIONERS FREEMAN  
AND KIM

**Recommendation:** Adoption of the subject resolution.

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## **Regular Items (8-11)**

### **Real Estate**

8. Re: AGREEMENT BETWEEN CITY OF LOS ANGELES AND INTERNATIONAL TRADE EDUCATION PROGRAMS, INC.

*SUMMARY: International Trade Education Programs, Inc. (ITEP) operates a program designed to promote international trade and port operations by providing a curriculum to train local high school students to work in the maritime industry. The primary purpose of the subject agreement is to provide ITEP with a grant of \$440,000 to expand the program locally, regionally, and state-wide.*

**Recommendation:** Board resolve that (1) the Order authorizing the Executive Director to enter into an agreement with the International Trade Education Programs, Inc., be adopted; (2) a one-year agreement with International Trade Education Programs, Inc., be entered into for an amount not-to-exceed \$440,000 to establish and develop a state-wide maritime trade education program; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Order and agreement for and on behalf of the Board.

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Engineering

9. Re: PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND MOFFATT & NICHOL FOR DESIGN SERVICES FOR THE CABRILLO WAY MARINA

*SUMMARY: The agreement with Moffatt & Nichol, Long Beach, California, provides the Port of Los Angeles (Port) with planning and design services for the Cabrillo Way Marina development. This action will authorize a three-year contract term for a not-to-exceed amount of \$9,183,196.*

**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 Moffatt & Nichol, 3780 Kilroy Airport Way, Suite 600, Long Beach, California 90806, for a not-to-exceed amount of \$9,183,196 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.

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City Attorney

10. Re: APPROVAL OF FIRST AMENDMENT TO AGREEMENT NO. E6293 WITH PINNACLE ONE TO PROVIDE ONGOING CLAIMS CONSULTING, LITIGATION SUPPORT AND EXPERT WITNESS SERVICES TO THE CITY IN "*WESTCON MICROTUNNELING, INC. v. CITY OF LOS ANGELES*"

**Recommendation:** Board resolve that (1) the First Amendment to Agreement No. E6293 with Pinnacle One in the form attached hereto as Exhibit "A," which would extend the Agreement's termination date from October 30, 2006 to October 30, 2007 and authorize maximum compensation of \$200,000 for the additional year covered by the amendment, be approved; and (2) the transfer of \$200,000 be authorized from the Unappropriated Balance to Division 0120, Account No. 54410, Program No. 000, to fund the Agreement as set forth above, in accordance with the requirements of the City Charter and City procedures.

11. Re: EXECUTIVE DIRECTOR AGREEMENT NO. E6321 BETWEEN THE CITY AND BECK DECORSO DALY KREINDLER & HARRIS, A PROFESSIONAL LAW CORPORATION, FOR LEGAL SERVICES

**Recommendation:** Board resolve that (1) the First Amendment to Executive Director Agreement No. E6321 between the City and Beck Decorso Daly Kreindler & Harris, a Professional Law Corporation, to increase the maximum expenditure under this Agreement by \$105,000 (funds which have been allocated in the City Attorney's 2006/2007 fiscal year budget), to a total maximum cumulative expenditure of \$255,000, be approved; and (2) the Executive Director and the Board Secretary be authorized to execute and attest to said First Amendment for and on behalf of the Board.

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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 and retention of outside counsel.
2. Discussion of pending litigation entitled: City of Los Angeles v. Southwest Marine, Los Angeles Superior Court Case No. NC041240, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. 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.
4. 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.
5. Discussion of pending litigation entitled: Westcon Microtunneling, Inc. v. City of Los Angeles, United States District Court Case No. CV-05-7305, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of litigation expert.
6. Discussion of pending litigation entitled: Los Angeles Export Terminal, Inc., et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. NC041222, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.