

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

**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.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
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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. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Regular meeting of the Los Angeles Board of Harbor Commissioners of February 21, 2008 for approval.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
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G. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-9)

Real Estate

- 1. Re: PROPOSED ORDER SETTING COMPENSATION UNDER PERMIT NO. 704 WITH EXXONMOBIL OIL CORPORATION**

SUMMARY: Permit No. 704 grants ExxonMobil Oil Corporation (EMOC) the right to use Los Angeles Harbor Department (Port) waterfront land, subsurface waterfront land, backland, and wharf premises at Berths 237-240C, as well as land adjacent to Pilchard and Ferry Streets on Terminal Island, for the operation of a marine liquid bulk terminal, as depicted on the attached map. Permit No. 704 is for a 25-year term, expiring December 31, 2015, with compensation to be reset every five years. The permit premises consist of 676,542 square feet of waterfront land, 215,445 square feet of wharf space, 837 square feet of subsurface waterfront land, and 723,860 square feet of backland.

Compensation for the period commencing January 1, 1996, and ending December 31, 2001, is set at \$476,631 per quarter. We propose to reset compensation to \$593,812 per quarter for the period commencing January 1, 2002, and ending December 31, 2005.

This action only allows for resetting of compensation, as provided in the permit, and is not an opportunity to implement measures referenced in the Clean Air Action Plan.

Recommendation: Adoption of the Order setting compensation under Permit No. 704 with ExxonMobil Oil Corporation at \$593,812 per quarter for the period commencing January 1, 2002, and ending December 31, 2005.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
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100 E. WATER STREET
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Engineering

2. Re: **PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND J.L. PATTERSON & ASSOCIATES, INC., FOR THE BERTH 200 RAIL YARD PLANNING, ENGINEERING AND ARCHITECTURAL DESIGN SERVICES**

SUMMARY: The agreement with J.L. Patterson & Associates, Inc., located in Orange, California, provides the Port of Los Angeles with planning, engineering and architectural design services for the Berth 200 Rail Yard project located in Wilmington. This action will authorize a professional services agreement with J.L. Patterson & Associates, Inc. for a 3-year term in the amount of \$6,200,000.

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 feasibly by an independent consultant rather than by City employees; (2) the subject agreement with J.L. Patterson & Associates, Inc., in the amount of \$6,200,000 be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
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Accounting & Budget

3. Re: **REQUEST TO INCREASE THE TOTAL CREDIT LIMIT ON THE BANK CREDIT CARD LINE WITH FIRST BANKCARD CENTER**

SUMMARY: Accounting & Budget Division is recommending an increase in the total credit limit on the current bank credit card line with First BankCard Center to allow for increases to lines of credit available under individual credit cards. The increases to individual limits are necessary as a result of Port staff traveling to non-dollar based countries experiencing the loss in purchasing power of the dollar against other major currencies. Staff is separately working with American Express, and it is anticipated that staff will make a recommendation to the Board to approve a program with American Express that will replace the Mastercards issued through First BankCard Center. The charge cards issued through American Express will enable cardholders to use the cards for travel and business related expenses. In addition, the American Express program will include a cardless meeting account to be established by the Port with designated vendors for business related activities.

Recommendation: Adoption of the Resolution increasing the total credit limit on the bank credit card line with First BankCard Center from \$300,000 to \$500,000.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

Information Technology Division

4. Re: **AWARD OF CONTRACT TO PACIFIC TECHNOLOGIES, INC., BELLEVUE, WASHINGTON, FOR REVIEW OF PORT STRATEGIC INFORMATION TECHNOLOGY INITIATIVES AND RELATED ORGANIZATIONAL ALIGNMENTS**

SUMMARY: The proposed agreement is an award to Pacific Technologies, Inc., a Washington State corporation, with operations located at 14711 NE 29th Place, Suite 216, Bellevue, Washington, 98007, for professional services involving strategic information planning and development analysis. Under this contract the consultant will review and critique proposals made in the Port's draft technology plan initiatives and provide assessments as to budget, staffing, and organizational alignments required to best sustain the final plan. This action will authorize a one-year contract term from the date of execution for an amount not-to-exceed \$175,650. Small business participation for the proposed contract is one hundred percent (100%).

Recommendation: Resolve that (1) the Board find that in accordance with Section 1022 of the Los Angeles City Charter, it is more feasible for these services to be performed by non-City employees since the expertise required is of a technical and temporary nature, and will also benefit from their independent review; (2) the proposed contract be awarded to Pacific Technologies, Inc., 14711 NE 29th Place, Suite 216, Bellevue, Washington, 98007, for consulting services involving strategic information technology planning and systems development analysis; (3) the Executive Director, or her designee, be authorized to execute changes to the agreement as necessary to provide for additional services and materials that may be required over the term of the contract. A change executed by the Executive Director, or her designee, will under no circumstances affect the length of the contract, or increase the annual compensation allowed under the contract by more than \$25,000; and (4) the Executive Director and Board Secretary be authorized to execute and attest to said Agreement, for and on behalf of the Board of Harbor Commissioners.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

Construction Division

5. Re: **AWARD OF CONTRACT – 120 W. "C" STREET, MODULAR OFFICE AND 326 W. "C" STREET, WAREHOUSE ELECTRICAL & LIGHTING UPGRADE, SPECIFICATION NO. 2689**

SUMMARY: This project consists of construction of a modular office building for the Port Police at 120 W. "C" Street in Wilmington, and an electrical upgrade of the former Bekin's Warehouse at 326 W. "C" Street in Wilmington. The lowest responsible bidder for this project is California Building Evaluation and Construction, Inc., located at 6281 Beach Boulevard, #306, Buena Park, CA 90621. The contract amount, plus contingency, is \$935,000, and the contract duration is 150 calendar days.

Recommendation: Resolve that (1) the Board find that the bid proposal from Joe's Sunrise Construction, Inc., did not meet Section 00030.08.B of the provisions set forth in the contract specifications and therefore is non-responsive; (2) the above-mentioned contract for Item Nos. 1 through 6 of the proposal schedule be awarded to California Building Evaluation and Construction, Inc., in the amount of \$850,000; that a 10% contingency not included in the original contract amount be applied for a total authorized amount of \$935,000; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 150 calendar days from the Notice to Proceed; (3) the Executive Director and Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (4) in accordance with the City Charter 655(g), the Board delegate and the Executive Director be authorized to accept the construction contract upon its completion.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

6. Re: CHANGE ORDER NO. 3 ALTERNATIVE MARITIME POWER (AMP) AT THE CRUISE TERMINAL AND SUPPLEMENTAL AGREEMENT NO. 1, SPECIFICATION NO. 2686A, CONTRACT NO. 2242

SUMMARY: Change Order No. 3 to Contract No. 2242 will allow the contractor to construct Alternative Maritime Power (AMP) at the Cruise Terminal. Change Order No. 3 will increase the contract amount by \$15,600,000 and increase the contract duration from 210 to 635 calendar days. Supplemental Agreement No. 1 will increase the limit of the changes from 25% to 140%.

Recommendation: Resolve that (1) Change Order No. 3, for an increase not to exceed \$15,600,000, be approved and the Executive Director be authorized to sign the Change Order; (2) Supplemental Agreement No. 1 for an increase in the total extra work limitation from 25% to 140% be approved and the Executive Director be authorized to sign Supplemental Agreement No. 1; and (3) the Board find that in accordance with the City Charter Section 1022, the work covered under this Change Order can be performed more feasibly by an independent contractor rather than by City employees.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 9
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

Environmental

7. Re: **PERSONAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES AND THE ENVIRONMENTAL CONSULTING FIRMS TETRA TECH, INC.; THE SOURCE GROUP; CH2M HILL, INC.; KENNEDY/JENKS CONSULTANTS, INC.; PACIFIC EDGE ENGINEERING, INC.; LOCUS TECHNOLOGIES, AND ARCADIS U.S., INC.**

SUMMARY: The Port of Los Angeles utilizes environmental services of consulting firms for prevention, investigation and remediation of soil and groundwater contamination on Port properties and to assist in oversight environmental conditions that are the responsibility of current or former Port tenants. These services include, but are not limited to, conducting Phase I Environmental Site Assessments, soil and groundwater investigations and cleanups, and environmental compliance assessments. This Board action will authorize the Department to enter into personal service agreements with the firms Tetra Tech Inc., The Source Group, Inc., CH2M Hill, Inc., Kennedy/Jenks Consultants, Inc., Pacific Edge Engineering, Inc., Locus Technologies, and Arcadis U.S., Inc.; to provide environmental services. Each agreement is for a term of three years. The combined total of all seven agreements is not to exceed \$18,000,000.

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) seven agreements for a term of 3 years for a total not to exceed an amount of \$18,000,000 be approved and awarded as follows: a) Tetra Tech, Inc. (Pasadena, CA) for \$6,550,000; b) The Source Group, Inc. (Signal Hill, CA) for \$3,460,000; c) CH2M Hill, Inc. (Santa Ana, CA) for \$2,050,000; d) Kennedy/Jenks Consultants, Inc. (Irvine, CA) for \$1,890,000; e) Pacific Edge Engineering (Mission Viejo, CA) for \$1,400,000; f) Locus Technologies (Fullerton, CA) for \$1,890,000; and g) Arcadis U.S., Inc. (Fullerton, CA) for \$760,000; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreements, for and on behalf of the Board.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 10
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
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Construction and Maintenance

- 8. Re: AWARD OF CONTRACT NO. 39411 FOR SIX CNG-FUELED PICK-UP TRUCKS, BID F-568 TO SOUTH BAY FORD**

SUMMARY: Award of contract to South Bay Ford for the purchase of six CNG-fueled, 1-ton long bed, crew cab pick-up trucks with installed bed hoist/dump kits to allow for more efficient grounds maintenance and water and land clean-up operations throughout the Port.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39411 for the purchase of six CNG-fueled, 1-ton long bed, crew cab pick-up trucks with installed bed hoist/dump kits to south Bay Ford, Hawthorne, CA, in a total amount including sales tax of \$308,820 and the Executive Director be authorized to execute the contract on behalf of the Board. City Charter Section 604(c) and Los Angeles Administrative Code Section 10.1.1(a) authorize the Board to approve all contracts valued in excess of \$150,000.

- 9. Re: INCREASE FUNDING FOR CONTRACT NO. 30819-08 WITH SIMPLEX GRINNELL FOR UPGRADES TO EXISTING FIRE ALARM SYSTEMS**

SUMMARY: Increase funding from \$125,000 to \$575,000 for Contract No. 30819-08 with Simplex Grinnell for upgrades and repairs to existing fire alarm systems. Board action is required because the contract authority increase exceeds the threshold of Executive Director approval.

Recommendation: Board resolve that the increase in funding for Contract No. 30819-08 for the upgrade and repair of existing fire alarm systems with Simplex Grinnell, Glendale, CA, be approved and the Executive Director be authorized to execute contract changes and renewals in accordance with State of California Multiple Award Schedule (CMAS) Contract No. 4-04-03-0113A and U.S. Government General Services Administration (GSA) Contract No. GS-06F-0054N on behalf of the Board.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 11
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

Regular Items (10-11)

City Attorney

- 10. Re: FIRST AMENDMENT TO AGREEMENT NO. 2470
BETWEEN THE CITY OF LOS ANGELES AND KELLY
LYTTON AND VANN, LLP FOR LEGAL SERVICES**

Recommendation: Board resolve that (1) the First Amendment to Agreement No. 2470 to increase to contract amount of Twenty-Five Thousand Dollars (\$25,000) by adding an additional Fifty Thousand Dollars (\$50,000) for a total amount of Seventy-Five Thousand Dollars (\$75,000) be approved. The increase is to provide continued legal services to assist the City with the Port's San Pedro Waterfront Project. The First Amendment also changes the law firm retained as outside counsel from Kelly Lytton and Vann, LLP to Meyers Nave Riback Silver and Wilson; (2) the Executive Director and Board Secretary be authorized to execute and attest to the First Amendment to Agreement No. 2470; and (3) the attached Resolution approving the First Amendment to Agreement No. 2470 be adopted.

- 11. Re: SECOND AMENDMENT TO AGREEMENT NO. 2463
BETWEEN THE CITY OF LOS ANGELES AND MEYERS
NAVE RIBACK SILVER AND WILSON FOR LEGAL
SERVICES**

Recommendation: Board resolve that (1) the Second Amendment to Agreement No. 2463 increasing the maximum contract amount by \$2,393,904 be approved; (2) the attached Resolution increasing the maximum contract amount for Agreement No. 2463 be adopted; and (3) the Executive Director be authorized to execute the Second Amendment to Agreement No. 2463 increasing the maximum contract amount from \$1,650,000 to \$4,043,904.

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 12
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

Operations Bureau and Finance & Administration Bureau

- 12. Re: CLEAN AIR ACTION PLAN – CLEAN TRUCKS PROGRAM: (1) PORT OF LOS ANGELES DRAYAGE TRUCK CONCESSION PLAN; (2) TRUCK FUNDING PROGRAM; (3) TRUCK PROCUREMENT ASSISTANCE PROGRAM; (4) SCRAP TRUCK BUYBACK PROGRAM; (5) CLEAN TRUCK FEE EXEMPTIONS; (6) BUSINESS OUTREACH PROGRAM; (7) PERMANENT ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 20 – CLEAN AIR ACTION PLAN AND SECTION 21 – INFRASTRUCTURE FEE**

SUMMARY: The proposed action recommends that the Board of Harbor Commissioners approve various actions to further implement the Clean Trucks Program: (1) Port of Los Angeles Drayage Truck Concession Plan; (2) Truck Funding Program; (3) Truck Procurement Assistance Program; (4) Scrap Truck Buyback Program; (5) Clean Truck Fee Exemptions; (6) Concession Business Outreach Program; and (7) certain amendments to Los Angeles Tariff No. 4 to implement the above programs and to harmonize the Clean Truck Fee with the Infrastructure Fee.

Recommendation: Board resolve that (1) the Port of Los Angeles Drayage Truck Concession Plan approach set forth in Section 1 of the Discussion be approved, and staff be directed to develop the implementation details and bring back to the Board of Harbor Commissioners for future approval, a form of Port of Los Angeles Concession Agreement; (2) the Truck Funding Program, the Truck Procurement Assistance Program, the Scrap Truck Buyback Program, the Clean Truck Fee Exemptions, and the Business Outreach Program be approved; (3) staff be authorized to issue a Request for Qualification (RFQ) to Financial Institutions to act as financing providers for the Clean Truck Funding Program, or alternatively to participate with the Port of Long Beach in its RFQ process (Transmittal 2), or use financial institutions in the Port of Los Angeles Investment Banking Pool; (4) staff be authorized to issue a Request for Proposals (RFP) to truck Original Equipment Manufacturers (OEMs) and associated dealers to provide volume discounted pricing to Clean Truck Program Funding Program participants, or alternatively to participate with the Port of Long Beach in its RFP process (Transmittal 3); (5) an amendment to Port of Los Angeles Tariff

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 13
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

No. 4 entitled Permanent Order Amending Port of Los Angeles Tariff No. 4, Section 20 – Clean Air Action Plan and Section 21 – Infrastructure Fee as described in Section I of the Discussion (Transmittal 4) be approved; (6) an Order approving the amendment to the Tariff be adopted (Transmittal 5); (7) the form of an Ordinance be approved (Transmittal 6); (8) the Board Secretary be directed to transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); (9) the Board Secretary be authorized to execute the proposed permanent Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission; and (10) the Board Secretary be authorized to execute the proposed Resolution (Transmittal 7).

H. DEPUTY EXECUTIVE DIRECTOR REPORT

- 1. John Holmes
Deputy Executive Director of Operations**

I. 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 with legal counsel concerning significant exposure to litigation [two (2) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code and retention of outside counsel.**
- 3. Discussion of whether to initiate litigation [one (1) potential case], pursuant to subdivision (c) of**

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 14
THURSDAY, MARCH 20, 2008, AT 9:00 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 E. WATER STREET
WILMINGTON, CA 90744**

**Section 54956.9 of the California Government Code
and retention of outside counsel.**