

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

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 REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

- B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

- C. REPORT OF THE EXECUTIVE DIRECTOR**

- D. REPORTS OF COMMISSIONERS**

- E. BOARD COMMITTEE REPORTS**

- F. REPORTS OF THE EXECUTIVE DIRECTOR**

Consent Items (1-4)

Construction and Maintenance

- 1. Re: RESOLUTION NO. _____ - AGREEMENT
WITH MAINTSTAR, INC. FOR THE INSTALLATION
AND IMPLEMENTATION OF A COMPUTERIZED
MAINTENANCE MANAGEMENT SYSTEM (CMMS)**

SUMMARY: This letter recommends the award of a three-year personal services agreement to MaintStar, Inc., a certified Small Business Enterprise (SBE), of Irvine, California, for the installation and implementation of a Computerized Maintenance Management System (CMMS) for the Construction and Maintenance Division (C&M). This application will provide managers and staff with the tools to effectively plan, manage, budget, and track the costs of the Harbor Department's maintenance activities.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

1. (Continued)

The CMMS will also enhance C&M's ability to improve customer service by rapidly and efficiently prioritizing customer requests. The system will allow customers to electronically submit work requests and provide the Harbor Department the ability to easily identify requests that are billable under current real estate agreements. The current paper system does not allow C&M to do this. This is supported by a recent review of work orders by C&M personnel that indicated that due to the difficulties in the current antiquated paper-based system, C&M lost \$250,000 in revenue for work that was billable under customer agreements. By the time the work orders were closed out it was no longer possible to bill the customers. The CMMS is critical to C&M's budget reduction efforts and because this purchase fulfills one of the critical recommendations in the management audit performed by LA Consulting to improve C&M's operations. MaintStar's proposal was determined to provide the best value and to be the most consistent with the needs identified in the management audit. This Agreement will not exceed \$532,594 in capital equipment funding over three years, including sales tax, training and contingency expenses.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject Agreement can be performed more feasibly by independent contractors than by City employees, and the recitals in the Agreement are true and correct; (2) the Agreement with MaintStar, Inc. of Irvine, California, for a term of three years in an amount not-to-exceed \$532,594 for the installation and implementation of a CMMS be approved; (3) the Executive Director be authorized to execute and the Board Secretary to attest to the Agreement; and (4) Resolution No. _____ approving a three-year Agreement with MaintStar, Inc. of Irvine, California be adopted.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

Environmental Management

2. Re: RESOLUTION NO. _____ - STAFF RESPONSE
TO PORT COMMUNITY ADVISORY COMMITTEE
RECOMMENDATION NO. 93

SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 93 requests that all Draft Environmental Impact Report (DEIR) comment periods be a minimum of 90-days to allow for comment from the public and for the PCAC process. Staff presently provides extensions to the review period of DEIRs on a case-by-case basis and recommends denial of PCAC Recommendation No. 93.

Recommendation: Board resolve that (1) PCAC Recommendation No. 93 be consider and denied, but direct staff to evaluate the review period of each DEIR and grant appropriate time extensions on a case-by-case basis as warranted; and (2) Resolution No. _____ confirming staff's findings and recommendations, as set forth in the following discussion be adopted.

Clean Truck Program

3. Re: RESOLUTION NO. _____ - FIRST
AMENDMENT TO AGREEMENT NO. 08-2719 WITH
EMODAL.COM FOR CONTINUED INFORMATION
TECHNOLOGY SERVICES FOR THE CLEAN TRUCK
PROGRAM

SUMMARY: The proposed action recommends that the Board of Harbor Commissioners (Board) approve the First Amendment to Agreement No. 08-2719 extending the City of Los Angeles Harbor Department (Harbor Department) and the City of Long Beach shared contract for a preliminary Drayage Truck Registry (DTR) with eModal.com (eModal), for an additional six months while the permanent Drayage Truck Registry (DTR) is being completed. At present, the permanent DTR remains on schedule to be ready for testing in late June 2009, with a planned transition to the new system scheduled for late July 2009. Staff from the Port of Los Angeles and the Port of Long Beach (Ports) is working closely with Natoma Technologies, Inc. (Natoma) to assure that the development of the permanent DTR remains on

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

3. (Continued)

schedule and on budget. The recommendation is to add \$333,800 to the eModal contract, with \$166,900, or half, being the Harbor Department's share, with the remaining half paid for by the Port of Long Beach. The \$333,800 increase would be comprised of \$283,800 for an additional six months of DTR application hosting, system maintenance and outreach services, \$30,000 to compensate eModal for recent additional software code changes required for DTR administration, and an additional not-to-exceed amount of \$20,000 to support transition services to the Port-owned DTR in July 2009. Funding for the Agreement is available in the adopted FY 2008/09 budget as part of the CTP's budget from Cost Center 0210, Account No. 59967, Program 652. The Port of Long Beach staff is also recommending its Board approve this extension.

Recommendation: Board resolve that (1) the First Amendment to Agreement No. 08-2719 with eModal.com for an extension of 180 calendar days, and an additional not-to-exceed amount of \$333,800 to be equally shared between the Harbor Department and the City of Long Beach be approved. As a shared contract, the maximum cost to the Harbor Department for the extension period is \$166,900 (Transmittal 1); (2) the Executive Director be authorized to execute and the Board Secretary to attest to said First Amendment to Agreement No. 08-2719 for and on behalf of the Board; and (3) Resolution No. _____ be adopted.

Marketing

- 4. Re: RESOLUTION NO. _____ FOR PROPOSED
FIRST AMENDMENT AND RENEWAL TO AGREEMENT
NO. 2573 BETWEEN THE CITY OF LOS ANGELES AND
IMS WORLDWIDE INC.**

SUMMARY: On September 20, 2007, Agreement No. 2573 between the City of Los Angeles (City) and IMS Worldwide Inc. (IMSW) was approved by the Board of Harbor Commissioners. IMSW provides as-needed specialized technical experience to the Los Angeles Harbor Department (Harbor Department) pertaining to Foreign Trade Zone (FTZ) No. 202. IMSW Agreement No. 2573 consisted of a term of one year with two, one-year renewal options. The proposed first renewal under this

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

4. (Continued)

contract will allow IMSW to continue assisting the Harbor Department, as grantee, with the necessary specialized FTZ technical expertise. The proposed renewal will be for a one-year term to begin effectively from October 2, 2008. Upon renewal, the compensation for Agreement No. 2573 will be for a not-to-exceed amount of \$80,000 for a term of one-year, which is a \$70,000 reduction from the first annual term rate of \$150,000. Future year funding will be budgeted should the Harbor Department decide to exercise the second and final renewal option by Executive Director approval.

Recommendation: Board resolve that (1) the First Amendment to Agreement No. 2573 with IMS Worldwide Inc. be adopted; (2) the Resolution for a First Amendment to Agreement No. 2573 for the reduction of compensation to a not-to-exceed amount of \$80,000 with IMS Worldwide Inc. be approved; (3) the Resolution to exercise the first renewal option for Agreement No. 2573 with IMS Worldwide Inc. be approved; (4) the Executive Director be authorized on behalf of the Board, to approve the final one-year renewal option, subject to budget approval for future year funding; (5) the Executive Director be authorized to execute and the Board Secretary to attest to the First Amendment for Agreement No. 2573 on behalf of the Board; and (6) Resolution No. _____ be adopted.

Regular Items (5 & 6)

Debt Management

**5. Re: RESOLUTION NO. _____ TO MODIFY THE
POOL OF BOND UNDERWRITERS**

SUMMARY: To modify Resolution No. 08-6574 by replacing Lehman Brothers in the pool of bond underwriting firms with J.P. Morgan Securities, Inc. (JP Morgan) because the former institution no longer exists.

Recommendation: Board resolve that (1) the appointment of JP Morgan, 270 Park Avenue, New York, NY 10017, to the Harbor Commission-approved bond underwriting pool, which provides

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

5. (Continued)

the City of Los Angeles Harbor Department with investment banking and underwriting services, including the issuance and distribution of debt obligations be approved; and (2) Resolution No. _____ be adopted.

Engineering

- 6. Re: RESOLUTION NO. _____ AMENDMENT NO. 2 – PROFESSIONAL SERVICES AGREEMENT NO. 2425 BETWEEN THE CITY OF LOS ANGELES AND SASAKI ASSOCIATES FOR PROFESSIONAL PLANNING, DESIGN AND SUPPORT SERVICES FOR THE WILMINGTON WATERFRONT DEVELOPMENT PROGRAM**

SUMMARY: Agreement No. 2425 provided the City of Los Angeles, Los Angeles Harbor Department (Harbor Department) with professional planning, design and support services for the Wilmington Waterfront Development Program for three years at the amount of \$12,060,250. On May 17, 2007, the Board of Harbor Commissioners approved the Wilmington Waterfront Master Plan and authorized staff to proceed with 40% design. On December 18, 2008, the Board approved a three-year time extension to the agreement, and before approving a recommended fee increase requested that staff re-examine the increase in fees, determine if any work could be performed by Harbor Department staff, provide analysis on design fees as a percentage of construction cost, and clarify the breakdown of fees between design and engineering design support during construction. Staff has performed the requested analysis as detailed in this report, and has determined that \$150,000 in support services could be performed by in-house staff. Staff has also determined that a design task can be eliminated from the original scope of the project, and that \$875,000 from the original contract amount can be saved. Staff recommends that Agreement No. 2425 be amended to allow completion of the first phase of the master plan, and increase compensation in the amount of \$2,955,900. The total revised contract amount, including all change orders to date, will be \$15,016,150.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, the work

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

6. (Continued)

covered under this Amendment can be performed more economically or feasibly by Sasaki Associates (current project consultant) rather than by City Employees; (2) the board find that in accordance with Los Angeles Administrative Code Section 10.15(a)(10), competitive bidding for the work under this Amendment would be impractical, impossible or would work an incongruity, be unavailing or not produce an advantage; (3) Amendment No. 2 to Agreement No. 2425, providing additional compensation in the not-to-exceed amount of \$2,955,900 be approved; (4) 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; (5) the Executive Director be authorized to execute and the Board Secretary to attest said Amendment for and on behalf of the Board be authorized; and (6) Resolution No. _____ be adopted.

G. CLOSED SESSION

- 1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 2. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 3. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., United States District Court Case No. 1:08-CV-01895-RJL, 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 9
THURSDAY, MARCH 5, 2009, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

Closed Session (Continued)

- 4. 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.**

- 5. Instructions to negotiators relating to lease negotiations with Trapac, Inc. concerning a terminal permit for Berths 136-147, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Trapac, Inc. will be Frank Pisano. The negotiators for the Port of Los Angeles will be Kathryn McDermott and Michael Galvin.**

- 6. Instructions to negotiators relating to lease negotiations with Pacific LA Marine Terminal LLC concerning a terminal permit for Berth 408, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Pacific LA Marine Terminal LLC will be David Wright. The negotiators for the Port of Los Angeles will be Kathryn McDermott and Michael Galvin.**