

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, OCTOBER 2, 2008, 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.

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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. PRESENTATIONS

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G. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-7)

Construction Division

1. Re: RESOLUTION NO. _____ - AWARD OF
CONSTRUCTION CONTRACT – 2008-2010 MARINE
IMPROVEMENTS – CONTRACTOR: MANSON
CONSTRUCTION COMPANY, SPECIFICATION NO.
2697

SUMMARY: This contract consists of on-call marine construction, such as wharf improvements, slope repairs, and other marine improvements, to promptly perform unforeseen marine repair work. The lowest responsive bidder for this project is Manson Construction Company located in San Pedro, California. The contract amount plus 10% contingency is \$46,996,675, and the contract duration is 730 calendar days.

Recommendation: Board resolve that (1) Resolution No. _____ awarding the above-mentioned contract for Items Nos. 1 through 108 of the proposal schedule to Manson Construction Company in the amount of \$42,724,250 be adopted; that a 10% contingency not included in the original contract amount be applied for a total authorized amount of \$46,996,675; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 730 calendar days from the Notice to Proceed; (2) in accordance with City Charter 655(g), delegate and authorize the Executive Director to adjust final bid quantities and the construction contract be accepted upon its completion; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board.

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2. Re: RESOLUTION NO. _____ - AWARD OF
CONSTRUCTION CONTRACT – BERTHS 145-147
WHARF IMPROVEMENTS – TRAPAC TERMINAL –
CONTRACTOR: MANSON CONSTRUCTION COMPANY,
SPECIFICATION NO. 2605

SUMMARY: This contract will upgrade the wharf at Berths 145-146 from 50 foot to 100 foot gauge crane rail and will replace the unserviceable timber wharf at Berth 147 with a new concrete wharf with 100 foot gauge crane rail as part of the TraPac Terminal development program. The new wharves will be equipped with Alternative Maritime Power (AMP) facilities. The adjacent wharf at Berth 144 and the Berths 136-139 wharf will also be retrofitted with AMP facilities. The lowest responsive bidder is Manson Construction Company located in San Pedro, California. The contract amount plus a 5% contingency is \$102,798,040, and the contract duration is 737 calendar days. This contract is subject to the conditions of a Project Labor Agreement (PLA).

Recommendation: Resolve that (1) the Board find and determine that a PLA among the City of Los Angeles Harbor Department, the Los Angeles/Orange Counties Building and Construction Trades Council, and contractors working on the project, is appropriate and shall be issued for the Berths 145-147 Wharf Improvements project, in that the PLA will promote labor stability and advance the City's interest in lowest cost efficiency, quality, safety, and timeliness; (2) Resolution No. _____ awarding the above-mentioned contract for Item Nos. 1 through 63 of the proposal schedule to Manson Construction Company in the amount of \$97,902,892 be adopted; that a 5% contingency not included in the original contract amount be applied for a total authorized amount of \$102,798,040; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 737 calendar days from the Notice to Proceed; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to this contract for and on behalf of the Board; and (4) in accordance with City Charter 655(g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

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3. Re: **RESOLUTION NO. _____ - AWARD OF CONTRACT NO. 39449, BID NO. F-606, TO ARMSTRONG MARINE, INC., FOR ONE 28-FOOT SURVEY BOAT**

SUMMARY: This contract is for the construction and delivery of a 28-foot long Armstrong Wide-Body Hydrographic Catamaran boat to be utilized by the Port's Hydrographic Survey Crew along with Homeland Security and the Port Police. Once the boat is received, a new state-of-the-art computerized survey system, which has already been purchased under a \$480,000 Federal Grant, will be installed on the boat. The new survey boat will be used to perform routine surveys and underwater explosive detection for the Port Police. The lowest responsive bidder is Armstrong Marine, Inc., located in Port Angeles, WA. The contract amount plus 10% contingency is \$264,451.

Recommendation: Board resolve that (1) Resolution No. _____ awarding Contract No. 39449 to Armstrong Marine, Inc., 151 Octane Lane, Port Angeles, WA, for the purchase of one survey boat, in a total amount of \$240,410, including fabrication, transport, and sales tax, be adopted; and that a 10% contingency not included in the original contract amount be authorized for the total authorized amount of \$264,451; and (2) the Executive Director and the Board Secretary be authorized to execute and to attest to this contract for and on behalf of the Board.

4. Re: **RESOLUTION NO. _____ - AWARD OF CONSTRUCTION CONTRACT – BERTHS 219-225 DIKE AND BULKHEAD IMPROVEMENTS – CONTRACTOR: DOJA, INC., SPECIFICATION NO. 2681**

SUMMARY: This contract consists of performing improvements to the dike and fill material behind the existing bulkhead wall at the Yusen Terminal between Berths 219-225. This work is necessary to mitigate future sinkholes behind the bulkhead as the result of tidal action. The lowest responsive bidder for this project is Doja, Inc., located in Ontario, California. The contract amount plus 15% contingency is \$2,889,226, and the contract duration is 365 calendar days.

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4. (Continued)

Recommendation: Board resolve that (1) Resolution No. _____ awarding the above-mentioned contract for Items Nos. 1 through 20 of the proposal schedule to Doja, Inc., in the amount of \$2,512,370 be adopted; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$2,889,226; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 365 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; and (3) in accordance with City Charter 655(g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion.

Engineering Division

- 5. Re: RESOLUTION NO. _____ - COOPERATIVE AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE STATE OF CALIFORNIA FOR PROJECT 1: JOHN S. GIBSON BLVD/I-110 FREEWAY ACCESS RAMP (IMPROVEMENTS) AND SR-47/I-110 NORTHBOUND CONNECTOR WIDENING AND PROJECT 2: "C" STREET/I-110 ACCESS RAMP IMPROVEMENTS**

SUMMARY: The Port of Los Angeles (Port), on behalf of the City of Los Angeles, has partnered with California Department of Transportation (Caltrans), on behalf of the State of California, to improve access to and from the Interstate 110 (I-110) Freeway at State Route (SR) 47, John S. Gibson Blvd. and "C" Street ramps. As part of this effort, the following two projects have been developed conceptually:

Project 1: John S. Gibson Blvd/I-110 Freeway Access Ramp Improvements and SR-47/I-110 Northbound Connector Widening.

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5. (Continued)

Project 2: "C" Street/I-110 Access Ramp Improvements.

To continue work on these two projects, a Cooperative Agreement with Caltrans is required to define the respective roles and responsibilities of each agency for the development and approval of a Caltrans Project Approval and Environmental Document (PA/ED), Plans Specifications and Estimates (PS&E), and Right of Way (ROW) certification.

Recommendation: Board resolve that (1) Cooperative Agreement No. 07-4781 between the City of Los Angeles and Caltrans District 7 for PA/ED, PS&E and ROW certification for Project 1 be approved; (2) Cooperative Agreement No. 07-4782 between the City of Los Angeles and Caltrans District 7 for PA/ED, PS&E and ROW certification for Project 2 be approved; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to these Cooperative Agreements for and on behalf of the Board; and (4) Resolution No. _____ be adopted.

Real Estate Division

**6. Re: RESOLUTION NO. _____ - STAFF RESPONSE TO
THE PORT COMMUNITY ADVISORY COMMITTEE
RECOMMENDATION NUMBERS 46 AND 47**

SUMMARY: This report is provided in response to the Port Community Advisory Committee (PCAC) Recommendation Numbers 46 and 47.

PCAC Recommendation Number 46 recommends the undergrounding of utility lines along North Gaffey Street to support the Northwest San Pedro Beautification Project (NWSPBP), which is being implemented with China Shipping Community Aesthetic Mitigation Funds. Staff concurs with the theme of PCAC Recommendation Number 46, however staff recommends denial and requests resubmittal of this project by the Northwest San Pedro Neighborhood Council to PCAC as part of the NWSPBP to be funded by China Shipping Community Aesthetic Mitigation Funds.

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6. (Continued)

PCAC Recommendation Number 47 recommends property acquisitions from Port of Long Beach (POLB) and Chevron Pipeline Company (Chevron) along North Gaffey Street in support of the NWSPBP. Staff is negotiating for acquisition of the 50 percent interest the POLB holds in the jointly-owned railroad right-of-way and is in the process of entering into a long-term lease agreement with Chevron for use of their right-of-way to support NWSPBP. Therefore, staff conditionally concurs with PCAC Recommendation Number 47 for approval.

Recommendation: Board resolve that (1) PCAC Recommendation Number 46 be considered and denied, and instruct the Northwest San Pedro Neighborhood Council to resubmit this project to PCAC as a project to be considered and funded as a part of China Shipping Community Aesthetic Mitigation Program; (2) PCAC Recommendation Number 47, recommending acquisition of the 50 percent interest POLB holds in the jointly-owned railroad right-of-way and entering into a long term lease with Chevron for use of their right of way to support the NESPBP be considered and conditionally approved; (3) staff's findings and recommendations be confirmed as set forth in the following Board report discussion; and (4) Resolution No. _____ be adopted.

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Public Relations & Legislative Affairs Division

- 7. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT
NO. 39435 TO MAIL MASTERS FOR MAILING
SERVICES**

SUMMARY: As part of its comprehensive community outreach and EIR notification efforts, the Port of Los Angeles (Port) mails out quarterly newsletters and public meeting notices/reminders to businesses and residents in the harbor area. More than 70,000 residents and businesses are reached through these Port mailings. A mailing service is utilized to pull current lists of businesses and residences, address the mailer, put appropriate postage on the mailer and deliver to the post office on behalf of the Port. One of the primary uses for the mailing service is to mail notices of public meetings associated with the environmental review process, such as Project Scoping Meetings and Draft Environmental Impact Statements/Reports. Since the Port anticipates a large number of environmental process public meetings supporting its Capital Improvement Projects in the coming years, as well as public communications regarding the changing LA Waterfront, it is crucial that mailing services be in place to handle the volume of notices needing to go out to the public. The Public Relations and Legislative Affairs Division seeks to enter into a one-year contract with two one-year renewal options with Mail Masters, Torrance, California, to provide these services.

Recommendation: Resolve that (1) the Board find that the scope of work of the proposed contract is of a temporary and occasional nature and is best completed by a contractor on an interim basis; (2) Contract No. 39435 be awarded to Mail Masters for mailing services for one year for a not-to-exceed amount of \$325,000, with two one-year renewal options at the discretion of the Executive Director for a total not-to-exceed amount of \$975,000 for up to three years; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to the proposed contract; and (4) Resolution No. _____ be adopted.

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H. Deputy Executive Director's Report

Deputy Executive Director Michael Christensen.

I. CLOSED SESSION

- 1. Discussion of whether to initiate litigation [one (1) potential case], pursuant to subdivision (c) of Section 54956.9 of the California Government Code.**
- 2. Discussion of pending litigation entitled: Alicia Unger v. City of Los Angeles, et al., United States District Court Case No. 08-02139-SVW, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 3. 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, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. 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.**
- 5. Discussion with legal counsel concerning significant exposure to litigation [one (1) potential case], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**