

MINUTES OF A REGULAR MEETING OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH, HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON MONDAY, JANUARY 29, 2007, AT 1 P.M.

Present: Commissioners: Topsy-Elvord, Walter, Hancock, Cordero  
Absent: " Hankla

Also present:

S. B. Rubin	Managing Director
C. Lytle	Managing Director
G. T. Hein	Executive Officer to the Board
D. A. Thiessen	Chief Harbor Engineer
C. A. Stafford	Acting Director of Human Resources
H. C. Morris	Director of Communications
S. Joublat	Chief Financial Officer
D. L. Albrecht	Director of Information Management
R. Rich	Director of Maintenance
R. G. Kanter	Director of Planning
K. J. Adamowicz	Acting Director of Real Estate
C. Perrone	Director of Security
D. B. Snyder	Director of Trade Relations
J. Garza	Government Affairs Analyst
R. S. Baratta	Director of Risk Management
D. T. Holzhaus	Principal Deputy City Attorney

VICE PRESIDENT CORDERO PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Walter, seconded by Commissioner Topsy-Elvord and unanimously carried, the minutes of the regular meeting of January 22, 2007, were declared read and approved as read.

PUBLIC COMMENTS.

There was no one present to address the Board.

CONSENT CALENDAR – ITEM NOS. 1-5.

1. MANSON CONSTRUCTION COMPANY – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE, UPON SATISFACTION OF CERTAIN CONDITIONS BY CONTRACTOR, CONTRACT FOR FURNISHING WATERBORNE CONSTRUCTION EQUIPMENT UNDER SPECIFICATION NO. HD-S2313 – CITY ATTORNEY REQUESTED TO PREPARE CONTRACT – DOCUMENT NO. HD-7131.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 24, 2007, requesting conditional authorization of a Contract with Manson Construction Company, for furnishing waterborne construction equipment, under Specification No. HD-S2313, in the amount of \$393,950, was presented to the Board. The request was approved by the Executive Director.

2. GE CAPITAL MODULAR SPACE - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOURTH AMENDMENT TO CONTRACT FOR LEASING MODULAR TRAILERS FOR FIRE STATION NO. 24 – DOCUMENT NO. HD-6846A.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 24, 2007, requesting approval of an amendment to Contract with GE Capital Modular Space for leasing modular trailers for Fire Station No. 24, in the amount of \$15,000, and extending the lease to June 30, 2008, was presented to the Board. The request was approved by the Executive Director.

3. CWO NO. 1300, SUPPLEMENT NO. 1 – FENDER SYSTEM REPAIRS ON PIER G AND A PROJECT BUDGET - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 24, 2007, requesting approval of CWO No. 1300, Supplement No. 1, for fender system repairs on Pier G, Berths G227-G235, in the amount of \$2,750,000, and establish a project budget, was presented to the Board. The request was approved by the Executive Director.

4. HARBOR REVENUE FUND – APPROVAL OF FUND TRANSFER JOURNALS AND AUTHORIZATION OF TRANSFER OF FUNDS.

Communication from Sam Joublat, Chief Financial Officer, dated January 24, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

AMOUNT	DESCRIPTION
1,007,786.02	Employee Benefits and Insurance Funds – transfer of the December 2006 cost of employees’ fringe benefits (three pay periods)
22,946.00	Technology Services Department – data processing operations and maintenance and Green Flag modifications for December 2006
149.92	Technology Services Department –wireless communication for November and December 2006

16,302.63	Planning and Building Permits for December 2006
54.00	Technology Services Department – pager service charges for October 2006

was presented to the Board. The Fund Transfer Journals were approved by the Executive Director.

5. ANDREW PRATT – ROGELIO T. REID – APPOINTMENTS.

Communication from Cynthia A. Stafford, Acting Director of Human Resources, dated January 24, 2007, requesting approval of the appointments of the following individuals:

<u>Appointment</u>	<u>Classification</u>	<u>Range &amp; Step</u>	<u>Effective Date</u>
Andrew Pratt	Administrative Analyst I Non-Career	M68/01	1/30/07
Rogelio T. Reid	Electrician	500/01	1/30/07

was presented to the Board. The request was approved by the Executive Director.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the communications be received and filed and that Items Nos. 1-5 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Topsy-Elvord, Walter, Hancock, Cordero
NOES:	"	None
ABSENT:	"	Hankla

REGULAR AGENDA.

6. VIDEORAY LLC – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE AGREEMENT FOR THE PURCHASE OF FOUR REMOTELY OPERATED VEHICLES – DOCUMENT NO. HD-7132 - RESOLUTION NO. HD-2346 - ADOPTED.

Communication from Cosmo Perrone, Director of Security, dated January 24, 2007, recommending approval of an Agreement with VideoRay, LLC, for the purchase of four remotely operated vehicles, without advertising for bids, in the amount of \$371,695.88, was presented to the Board together with the authorizing resolution therefore. The recommendation was approved by the Executive Director.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the communication be received and filed and that the resolution entitled, "A RESOLUTION OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH VIDEORAY, LLC, FOR THE PURCHASE OF REMOTE OPERATED VEHICLES AND RELATED EQUIPMENT," be declared read and adopted as read. Carried by the following vote:

AYES:	Commrs:	Topsy-Elvord,Walter,Hancock,Cordero
NOES:	"	None
ABSENT:	"	Hankla

7. ANTHEM TELECOM, LLC - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENTS TO LEASES FOR DEVELOPING AND OPERATING TELECOMMUNICATIONS TOWERS ON PIER D AND PIER J - DOCUMENT NO. HD-6943A - ORDINANCE NO. HD-1983 - ADOPTED AND DOCUMENT NO. HD-6944A - ORDINANCE NO. HD-1984 - ADOPTED.

Ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND ANTHEM TELECOM, LLC, FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO," was presented to the Board for its second and final reading.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that said ordinance be declared read for the second time and adopted as read. Carried by the following vote:

AYES:	Commrs:	Topsy-Elvord,Walter,Hancock,Cordero
NOES:	"	None
ABSENT:	"	Hankla

Ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND ANTHEM TELECOM, LLC, FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO," was presented to the Board for its second and final reading.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that said ordinance be declared read for the second time and adopted as read. Carried by the following vote:

AYES:	Commrs:	Topsy-Elvord,Walter,Hancock,Cordero
NOES:	"	None
ABSENT:	"	Hankla

NEW BUSINESS.

Ms. Cynthia Stafford, Acting Director of Human Resources, introduced Mr. Steve Larson. She stated Mr. Larson will be the Interim Director of Human Resources while she is out on maternity leave.

Mr. Larson stated he is looking forward to working with everyone at the Port.

Commissioner Walter stated President Hankla was being presented the Humanitarian of the Year Award by the National Conference for Community and Justice on May 17 at the Hilton Hotel in Los Angeles.

Commissioner Cordero commented on a recent accident on the I-710 which involved an independent trucker who fled the scene of the accident.

ADJOURNED.

At 1:50 p.m., Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Commrs:	Topsy-Elvord,Walter,Hancock,Cordero
NOES:	"	None
ABSENT:	"	Hankla

MINUTES  
 REGULAR MEETING OF THE BOARD OF WATER COMMISSIONERS  
 LONG BEACH, CALIFORNIA  
 JANUARY 11, 2007

The Board of Water Commissioners of the City of Long Beach met in the Board Room of the Administration Building, 1800 E. Wardlow Road, Long Beach, California, on January 11, 2007.

The meeting was called to order at 9:15 a.m. by President Clarke.

PRESENT:	Frank Clarke	Commissioner
	William B. Townsend	Commissioner
	Helen Z. Hansen	Commissioner
	Stephen T. Conley	Commissioner
	Charles Parkin	Principal Deputy City Attorney
	Kevin L. Wattier	General Manager
	Sandra L. Fox	Secretary to the Board of Water Commissioners
	B. Anatole Falagan	Deputy General Manager – Business
	Ryan J. Alsop	Director, Government & Public Affairs
	Issac C. Pai	Director of Engineering
	Eric Leung	Director of Water Resources
	David Honey	Administrative Officer
	Dynna Long	Senior Secretary
	Robert V. Swain	Division Engineer
	Theresa Wu	Senior Engineer
	Ken Bott	Administrative Analyst III
	Nancy Morlock	Administrative Analyst III
	E. Del Smith	E. Del Smith & Company
ABSENT:	Lisa Peskay Malmsten	Deputy City Attorney
	Robert C. Cheng	Deputy General Manager - Operations
	Matthew P. Lyons	Director, Planning & Conservation
	Paul Fujita	Director of Finance
	Melissa L. Keyes	Administrative Analyst II/Special Projects Coordinator

**1. PLEDGE OF ALLEGIANCE**

E. Del Smith, led the Board and audience in the Pledge of Allegiance.

**2. APPROVAL OF MINUTES**

December 21, 2006

Upon motion by Commissioner Conley, seconded by Commissioner Townsend, and unanimously carried, the Minutes of the Regular Meeting of December 21, 2006, were approved.

### **3. PUBLIC COMMENT**

President Clarke opened the public comment period. As there were no requests to address the Board, the public comment period was closed.

### **4. PRESIDENT'S REPORT**

- **Frank Clarke, President, Board of Water Commissioners**

President Clarke made remarks concerning the following issues:

- Filling of Board of Water Commission vacancies by Mayor
- Location and time of future Water Commission meetings
- Water conservation efforts and participation at community events
- Governance structure of the Water Department

The Commissioners exchanged brief comments regarding these issues.

### **5. ELECTION OF OFFICER – SECRETARY**

- **Frank Clarke, President, Board of Water Commissioners**

President Clarke stated he would accept nominations for the vacant position of Board Secretary for FY 07 in accordance with Resolution WD-889, a Resolution Establishing Rules of Procedure for the Board of Water Commissioners.

It was moved by Commissioner Townsend, seconded by Commissioner Hansen, and unanimously carried, that Commissioner Conley be nominated for the office of Secretary. President Clarke asked if there were any other nominations, and there being none, Commissioner Conley was unanimously elected as Secretary for FY 07.

### **6. GENERAL MANAGER'S REPORT**

- **Kevin L. Wattier, General Manager**

#### WATER REPLENISHMENT DISTRICT (WRD) PRESENTATION AT COUNCIL MEETING

Mr. Wattier reported to the Board that Robb Whitaker, Executive Director of the Water Replenishment District had given a brief overview of WRD at the January 9<sup>th</sup> council meeting.

#### ALAMITOS BAY WATER QUALITY UPDATE

Mr. Wattier advised the Board that the Alamitos Bay Water Quality Task Force was aggressively pursuing the Alamitos Bay water quality issues through several avenues of investigation. He reported that they were currently taking a look at private sewer systems to see if any of them might be contributing to the water quality problems. He advised

that Water and Health Department staff had visited a mobile home park (private sewer system) and had attempted to video their sewer system but had encountered plugged lines that had to be cleared by a plumber before this investigation could proceed. He advised that the 3<sup>rd</sup> District Councilmember had been apprised of this situation and that he was working with the mobile home park owners regarding this issue.

**7. LEGAL COUNSEL REPORT**

- **Charles Parkin, Principal Deputy City Attorney**

No report was given.

**8. CONSENT CALENDAR**

President Clarke requested that agenda item 8d. be pulled from the Consent Calendar for separate review and action.

President Clarke advised that Consent items 8a., 8b, and 8c. were approved by the Board by unanimous acclamation.

**8a. Approval of Transfer of Funds by Journal Entry Dated January 11, 2007**

A communication was presented to the Board from Paul Fujita, which is on file at the Long Beach Water Department.

**8b. Receive and File the List of Vendor Payments for the Month of November, 2006**

A communication was presented to the Board from Paul Fujita which is on file at the Long Beach Water Department.

**8c. Adopt Specifications WD-21-06 and Authorize the General Manager to Execute an Agreement with Thatcher Company of California to Furnish and Deliver Aqua Ammonia in an Amount not to Exceed \$22,110.00 for a Period of One Year, and to Exercise the Options to Renew During two Additional One-year Periods**

A communication was presented to the Board from Robert C. Cheng which is on file at the Long Beach Water Department.

**8d. Authorize the General Manager to Execute the Second Amendment to WDL-92 with the McDonnell Douglas Corporation**

David Honey, Administrative Officer provided a background report on Consent Calendar item 8d.



A communication was presented to the Board from David Honey which is on file at the Long Beach Water Department.

Commissioner Townsend asked what the size of the leased parcel was and when was the last time the property had been appraised.

David Honey responded he did not currently have the parcel size, but reported the property was appraised every five years. There was general discussion regarding the appraisal process and final agreement terms for this parcel.

Commissioner Conley questioned why lease was still in the name of McDonnell Douglas Corporation, and requested that staff research this. Mr. Parkin, Principal Deputy City Attorney, advised that in the finalization of the agreement the correct legal name would be included.

Commissioner Townsend inquired regarding hazardous materials at the lease site. Staff advised that new city standard language regarding hazardous material storage would be added to the new agreement. Commissioner Townsend further inquired if the Water Department had a base study regarding environmental issues at the site before the initial lease had been approved. Staff was asked to investigate and advise.

It was moved by Commissioner Conley, and seconded by Commissioner Hansen to approve item 8d. - Authorize the General Manager to Execute the Second Amendment to WDL-92 with the McDonnell Douglas Corporation. The motion was carried unanimously.

**9. RECEIVE AND FILE FISCAL YEAR 2005-06 OBJECTIVES**

**• B. Anatole Falagan, Deputy General Manager - Business**

Mr. Falagan reviewed the report with the Board members. Commissioner Hansen commented on concerns regarding groundwater storage. There was general discussion regarding the ongoing conjunctive use issues. Mr. Wattier advised that there needed to be regional cooperation in this area which was very difficult to obtain.

Commissioner Conley suggested that possibly the President of the Board of Water Commissioners should send a letter to Lester Snow, Director of the Department of Water Resources (with a copy to Governor Schwarzenegger) regarding the urgency of this matter.

**10. AUTHORIZE PRESIDENT CLARKE TO SEND A LETTER TO MAYOR BOB FOSTER REGARDING THE IMPORTANCE OF WATER ISSUES AND THE CITY'S SUSTAINABILITY INITIATIVE**

President Clarke pulled agenda item 10. from the agenda.

**11. LEGISLATIVE ISSUES**  
**E. Del Smith, of E. Del Smith & Company**

Mr. Smith provided a report on federal legislative issues.

Commissioners made brief comments regarding the report. Commissioner Conley thanked Mr. Smith for his assistance over the years in building important relationships in Washington, DC.

**12. REPORT OF THE METROPOLITAN WATER DISTRICT (MWD) BOARD MEETING ON JANUARY 9, 2007**

Commissioner Hansen in her capacity as the City of Long Beach MWD Director, provided a report of the MWD Board of Director's meeting of January 9, 2007.

**13. NEW BUSINESS**

EXCUSED ABSENCE

President Clarke advised the Board that Commissioner Hansen needed to be excused from the December 28, 2006 Board meeting.

It was moved by Commissioner Conley, seconded by Commissioner Townsend, and unanimously approved by acclamation that Commissioner Hansen be excused from the December 28, 2006 Board meeting.

WATER REPLENISHMENT DISTRICT LEGACY PROJECT AD HOC COMMITTEE

President Clarke reminded the Board that due to Commissioner Kawasaki's recent resignation from the Board that it was necessary to name a new member from the Commission to the Water Replenishment District Legacy Project Ad Hoc Committee. Commissioner Conley suggested that the Board postpone this action until the new Board members had been appointed by the Mayor.

**14. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
**Section 54954.5 of the Government Code**  
**Title: General Manager**

The Board adjourned to Closed Session at 10:35 A.M. per Government Code Section 54954.5.

The Board reconvened at 11:20 A.M. and reported they had taken no formal action during the Closed Session.

**15. ADJOURNMENT**

There being no further business to come before the Board, President Clarke adjourned the meeting at 11:21 a.m. to the next Regular Meeting of the Water Commission to be held on Thursday, January 25, 2007, at 9:15 a.m., in the Board Room of the Administration Building, 1800 E. Wardlow, in Long Beach, California



Stephen T. Copley, Secretary)

Attest:



Frank Clarke, President