

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, MARCH 26, 2007, AT 1 P.M.

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

Also present:

R. D. Steinke	Executive Director
S. B. Rubin	Managing Director
C. Lytle	Managing Director
R. G. Kanter	Managing Director
G. T. Hein	Executive Officer to the Board
S. Larson	Interim Director of Human Resources
H. C. Morris	Director of Communications
S. Joumblat	Chief Financial Officer
D. L. Albrecht	Director of Information Management
R. Rich	Director of Maintenance
G. Cardamone	Deputy Chief Harbor Engineer
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 Topsy-Elvord, seconded by Commissioner Walter and unanimously carried, the minutes of the regular meeting of March 12, 2007, were declared read and approved as read.

PUBLIC COMMENTS.

Mr. Jose Vasquez addressed the Board and stated he is an independent trucker and is a supporter of Coalition for Clean and Safe Ports. He invited the Commissioners and staff to a rally at Neptune Field Park on Tuesday, March 29, at 6 p.m.

CONSENT CALENDAR – ITEMS NOS. 1-8.

Item No. 8 was removed from Consent Calendar for discussion.

1. REIMBURSEMENT TO CITY OF LONG BEACH HEALTH AND HUMAN SERVICES DEPARTMENT FOR REPAIRS AND REMEDIATION WORK AT THE MULTI-SERVICE CENTER FOR THE HOMELESS - EWO NO. 5086, SUPPLEMENT NO. 1 AND A PROJECT BUDGET – APPROVED.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, requesting reimbursement to the Long Beach Health and Human Services Department for repairs and remediation work at the Multi-Service Center for the Homeless, in the amount of \$89,645, approval of EWO No. 5086, Supplement No. 1, in the amount of \$230,000, and a project budget, was presented to the Board. The request was approved by the Acting Executive Director.

2. MANSON CONSTRUCTION COMPANY - ACCEPTANCE OF WORK UNDER SPECIFICATION NO. HD-S2276.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, advising that Manson Construction Company has satisfactorily completed, as of February 23, 2007, the furnishing of waterborne construction equipment, as described in Specification No. HD-S2276 and recommending that said work be accepted as complete as of that date, was presented to the Board. The recommendation was approved by the Acting Executive Director.

3. MCKAY INTERNATIONAL ENGINEERS, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE THIRD AMENDMENT TO CONTRACT FOR ON-CALL CRANE CONSULTING SERVICES - DOCUMENT NO. HD-6702C.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, requesting approval of an amendment to Contract with McKay International Engineers, Inc., for on-call crane consulting services, for a time extension to January 31, 2008, was presented to the Board. The request was approved by the Executive Director.

4. SPECIFICATION NO. HD-S2306 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – TRAFFIC SIGNAL AND LIGHTING AT PIER C STREET AND MATSON DRIVEWAYS.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, submitting Specification No. HD-S2306 for traffic signal and lighting at Pier C Street and Matson driveways and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Executive Director.

5. DMJM HARRIS - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE THIRD AMENDMENT TO CONTRACT FOR COLD IRONING PROJECT ON PIER T - DOCUMENT NO. HD-6933C - CWO NO. 1253, SUPPLEMENT NO. 7 - APPROVED.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, requesting approval of an amendment to Contract with DMJM HARRIS for the BP Cold Ironing Project on Pier T, Berth T121, increasing the scope of work, and CWO No. 1253, Supplement No. 7, both in the amount of \$125,000, was presented to the Board. The request was approved by the Executive Director.

6. DIVE/CORR, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR ON-CALL UNDERWATER INSPECTION - DOCUMENT NO. HD-7145.

Communication from A. J. Moro, Acting Chief Harbor Engineer, dated March 21, 2007, recommending authorization of a Contract with Dive/Corr, Inc., for on-call underwater inspection, in the amount of \$300,000, for the period of March 1, 2007, through February 28, 2010, was presented to the Board. The recommendation was approved by the Executive Director.

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

Communication from Sam Joublat, Chief Financial Officer, by J. A. Urrutia, dated March 21, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
723,839.72	Employee Benefits and Insurance Funds – transfer of the February 2007 cost of employees’ fringe benefits
274,736.25	Police Department – police services for December 2006
15,011.00	Technology Services Department – data processing operations and maintenance and Green Flag modifications for February 2007
122.93	Technology Services Department - wireless communications for February 2007
120,672.80	Gas, water, and sewer for February 2007
3,103.22	Reprographics for March 2007
109.30	Planning and Building permits for February 2007

11,624.84	Water Department – water sampling & monitoring charges for 1 st quarter of FY 2007
13,665.00	Gas & Oil Department – reimbursement for gas services relocation projects (gas service order numbers B51816, 51817, and 51819)
12, 424.40	Utility user's tax billed for February 2007
54.00	Technology Services Department – pager service charges for January 2007

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

Commissioner Topsy-Elvord moved, seconded by Commissioner Walter that the communications be received and filed and that Items Nos. 1-7 be approved as recommended. Carried by the following vote:

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

8. MARCELINO L. BURGOS – ALLYSON B. TERAMOTO – JENNIFER YUN-MI CHOI – RYAN GRAGNANO – MICHAEL B. VANDERBEEK – APPOINTMENTS.

Communication from Steve Larson, Interim Director of Human Resources, dated March 21, 2007, requesting approval of the appointments of the following individuals:

<u>Appointment</u>	<u>Classification</u>	<u>Range & Step</u>	<u>Effective Date</u>
Marcelino L. Burgos	Maintenance Assistant II	330/07	3/31/07
Allyson B. Teramoto	Environmental Specialist Associate	594/01	4/09/07
Jennifer Yun-Mi Choi	Port Communications Specialist V	620/07	4/02/07
Ryan Gragnano	Port Communications Specialist V	620/07	4/09/07
Michael B. Vanderbeek	Manager of Port Projects	EOO	3/31/07

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

In response to a question by Commissioner Cordero, Mr. Steinke stated that from the above appointments, Mr. Vanderbeek is bilingual in Spanish.

In addition, Mr. Steinke stated staff will provide the Board with an updated report of Port employees who are bilingual.

Commissioner Walter moved, seconded by Commissioner Hancock that the communication be received and filed and that the above named individuals be appointed to the positions indicated. Carried by the following vote:

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

REGULAR AGENDA.

9. PHILLIPS STEEL COMPANY– EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE A REVOCABLE PERMIT FOR ADDITIONAL WAREHOUSE SPACE – DOCUMENT NO. HD-7146 – RESOLUTION NO. HD-2353 - ADOPTED.

Communication from Karl Adamowicz, Acting Director of Real Estate, dated March 20, 2007, recommending approval of a Revocable Permit with Phillips Steel Company for additional warehouse space at 1362 West 12th Street, was presented to the Board together with the authorizing resolution therefore. The recommendation was approved by the Acting Executive Director.

Commissioner Hancock moved, seconded by Commissioner Walter 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 A REVOCABLE PERMIT BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND PHILLIPS STEEL COMPANY FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO," be declared read and adopted as read. Carried by the following vote:

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

10. TOYOTA MOTOR SALES, U.S.A. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE INTERIM LEASE FOR PIER B – DOCUMENT NO. HD-7147 - RESOLUTION NO. HD-2354 - ADOPTED.

Communication from Karl Adamowicz, Acting Director of Real Estate, dated March 12, 2007, requesting approval of an Interim Lease with Toyota Motor Sales, U.S.A., for the operation of a marine automobile terminal on Pier B, 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 A INTERIM LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND TOYOTA MOTORS SALES, USA, INC., FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT, AND MAKING A DETERMINATION RELATING THERETO," be declared read and adopted as read. Carried by the following vote:

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

11. PORT OF LONG BEACH TARIFF NO. 4, ITEM NO. 220 – INCREASE IN PILOT RATES – RESOLUTION NO. HD-2355 - ADOPTED – FIRST READING OF ORDINANCE.

Communication from Donald B. Snyder, Director of Trade Relations, dated March 20, 2007, recommending approval of an increase in pilotage rates by 10%, in Port of Long Beach Tariff No. 4, Item No. 220, was presented to the Board together with the authorizing resolution and ordinance therefore. The recommendation was approved by the Acting 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 AMENDING ORDINANCE NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING ITEM NO. 220, FOR A PERIOD OF NINETY DAYS COMMENCING APRIL 1, 2007," be declared read and adopted as read. Carried by the following vote:

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

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the ordinance entitled "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE

NO. HD-1357, DESIGNATED TARIFF NO. 4, BY AMENDING ITEM NO. 220," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

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

NEW BUSINESS.

Commissioner Walter gave an update of the recent Commissioner legislative trip to Washington, DC. He stated the Commissioners met with our local representatives and meetings were also held with the Department of Transportation and Homeland Security.

Commissioner Walter stated the meetings were very informative and productive and he suggested more legislative visits to Washington, DC, be planned.

Dr. Kanter presented to the Board a commemorative photo from the Congressional Cup race in recognition of the Port's continued support and sponsorship of the event.

Ms. Morris stated she had recently attended a City Council meeting to accept the 2007 Helping Hands Award from Councilmember O'Donnell. This award was given to the Port in recognition of our support of the snow day.

Mr. Steinke presented to the Board a recognition plaque from the Fire Department for our continued support of their Special Awards Banquet.

CLOSED SESSION.

At 2:40 p.m., Vice President Cordero recessed the Board meeting to hold a closed session:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Closed session pursuant to Section 54956.9(a) of the Government Code regarding Shanghai Zhenhua Port Machinery Co., Ltd. (ZPMC) vs. Port of Long Beach, et al., Superior Court Case No. NC037336.

At 3:45 p.m., the meeting was again called to order by Vice President Cordero.

ADJOURNED.

At 3:46 p.m., Commissioner Walter moved, seconded by Commissioner Hancock that the meeting be adjourned sine die. Carried by the following vote:

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