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 28, 2005, AT 1 P.M.

Present:

Commissioners:

Hancock, Cordero, Hankla, Topsy-Elvord,

Calhoun

Absent:

None

Also present:

R. D.	Steinke	Executive Director
S.B.	Rubin	Managing Director
T.	Teofilo	Managing Director

G. T. Hein Executive Officer to the Board

D. A. Thiessen Chief Harbor Engineer
T. K. Whitesell Director of Administration

A. W. Wong Acting Director of Communications

M. J. Slavin Director of Finance

D. L. Albrecht Director of Information Management W. D. Bower Acting Director of Maintenance

R. G. Kanter Director of Planning
K. J. McDermott Director of Properties
C. Perrone Director of Security

J. A. Morgan

C. A. Kemp

Director of Security

Manager of Maritime Services

Director of Community Relations

D. T. Holzhaus

Principal Deputy City Attorney

PRESIDENT CALHOUN PRESIDED AS CHAIRMAN.

APPROVAL OF MINUTES.

Upon motion by Commissioner Hancock, seconded by Commissioner Topsy-Elvord and unanimously carried, the minutes of the regular meeting of March 21, 2005, were declared read and approved as read.

SERVICE PIN RECOGNITION.

The following were presented to the Board in recognition of their service to the City:

Richard Steinke Jackie Mack Executive Director Clerk Typist III

15 years 10 years

President Calhoun congratulated the service pin recipients on their years of service.

NEW EMPLOYEE RECOGNITION.

Ms. Yvonne Allen introduced Ms. Adriana Galarza. Ms. Galarza will be working in Trade and Maritime Services.

Ms. Galarza stated she looks forward to her new position and that she previously worked at the Police Department for two years.

President Calhoun welcomed Ms. Galarza.

CONSENT CALENDAR - ITEMS NOS. 1-7.

Item No. 7 was removed from Consent Calendar for discussion.

1. FOREIGN TRADE ZONE NO. 50 ANNUAL REPORT FOR THE FISCAL YEAR 2003 - 2004.

Communication from Kathryn McDermott, Director of Properties, dated March 22, 2005, recommending approval of the Annual Report of Foreign Trade Zone No. 50 for the Fiscal Year 2003-2004, was presented to the Board. The recommendation was approved by the Acting Executive Director.

2. URS CORPORATION - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE THIRD AMENDMENT TO CONTRACT FOR THE PIER S MARINE TERMINAL DEVELOPMENT - DOCUMENT NO. HD-6614C.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated March 23, 2005, requesting approval of an amendment to Contract with URS Corporation for design team support for the Pier S backlands oil well excavation and testing, extending the term to April 30, 2006, was presented to the Board. The request was approved by the Acting Executive Director.

3. CWO NO. 1280, SUPPLEMENT NO. 1 – PIER C STREET DRAINAGE IMPROVEMENTS – APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated March 23, 2005, requesting approval of CWO No.1280, Supplement No. 1, for the Pier C Street drainage improvement, in the amount of \$260,000, was presented to the Board. The request was approved by the Executive Director.

LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Robert Kanter, Director of Planning, dated March 22, 2005, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #04-053

Chemoil Marine Terminal – Tank Upgrades

HDP #05-006 Total Terminals International – Transformer

Replacement

HDP #05-011 Port of Long Beach – Toyota Grading and Paving

Improvements

EMA #05-020 Tidelands Oil Production Company – Emergency

Pipeline Repair

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

5. FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR THE MONTH ENDED FEBRUARY 28, 2005 – RECEIVED AND FILED.

Communication from Michael J. Slavin, Director of Finance, dated March 17, 2005, transmitting financial statements for the Long Beach Harbor Department for the month ended February 28, 2005, was presented to the Board. The financial statements were approved by the Acting Executive Director.

6. DRIVER ALLIANT INSURANCE SERVICES – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR INSURANCE BROKERAGE CONSULTING SERVICES – DOCUMENT NO. HD-6919.

Communication from Toni K. Whitesell, Director of Administration, dated March 23, 2005, recommending that authority be granted to enter into a Contract with Driver Alliant Insurance Services, for insurance brokerage/consulting services, for the period of March 1, 2005, through June 30, 2006, in an amount not to exceed \$1,184,000, was presented to the Board. The recommendation was approved by the Executive Director.

Commissioner Cordero left the meeting.

Commissioner Hankla moved, seconded by Commissioner Topsy-Elvord that the communications be received and filed and that Items Nos. 1-6 be approved as recommended. Carried by the following vote:

AYES:

Commrs:

Hancock, Hankla, Topsy-Elvord, Calhoun

NOES:

u

ABSENT:

None Cordero

Commissioner Cordero returned to the meeting.

7. PROJECT HA-5069 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED - PROCUREMENT OF A DIVE BOAT.

Communication from Cosmo Perrone, Director of Security, by O. Covington, dated March 23, 2005, submitting Project HA-5069 for procurement of a dive boat and requesting authority to advertise for bids for said vehicle, was presented to the Board. The request was approved by the Executive Director.

In response to a question by President Calhoun, Mr. Holzhaus stated that he and Mr. Perrone have discussed further changes to the specification to be made before it is released to bidders.

Commissioner Hancock moved, seconded by Commissioner Cordero that the communication be received and filed, that Project HA-5069 be approved, and that the Executive Director be authorized to advertise for bids therefore. Carried by the following vote:

AYES:

Commrs:

Hancock, Cordero, Hankla, Topsy-Elvord,

Calhoun

NOES:

None

ABSENT:

None

REGULAR AGENDA.

PACIFIC MARITIME ASSOCIATION - EXECUTIVE DIRECTOR AUTHORIZED 8. TO EXECUTE REVOCABLE PERMIT FOR TEMPORARY USE OF A BUILDING -DOCUMENT NO. HD-6920 - RESOLUTION NO. HD-2247 - ADOPTED.

Communication from Kathryn McDermott, Director of Properties, dated March 23, 2005, recommending approval of a Revocable Permit with Pacific Maritime Association for use of a building located at 1680 West 9th Street to temporarily house a crane simulator, was presented to the Board together with the authorizing resolution 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 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 PACIFIC MARITIME ASSOCIATION 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:

Hancock, Cordero, Hankla, Topsy-Elvord,

Calhoun

NOES:

None

ABSENT:

None

COMMISSIONER COMMENTS.

Commissioner Hancock commented on the article in the Press Telegram on the black-crowned night heron birds.

Commissioner Hancock stated the City will be holding an LNG forum on Saturday, April 2, in the Long Beach City Council Chambers. Additionally, he stated that he had received information from the Sierra Club for Sierra Club LNG Community Briefing to be held on Thursday, March 31, at 7 pm at the Viento y Agua Gallery and Coffeehouse.

CLOSED SESSION

At 1:45 p.m., President Calhoun recessed the Board meeting to hold a closed session:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

A. Closed session pursuant to Section 54957 of the Government Code to consider appointment of a Director of Communications.

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

B. Closed session pursuant to Section 54957 of the Government Code to consider appointment of a Director of Trade and Maritime Services.

At 2:00 p.m., the meeting was again called to order by President Calhoun.

ADJOURNED.

At 2:01 p.m., Commissioner Topsy-Elvord moved, seconded by Commissioner Hankla that the meeting be adjourned sine die. Carried by the following vote:

AYES:

Commrs:

Hancock, Cordero, Hankla, Topsy-Elvord,

Calhoun

NOES:

None

ABSENT:

None

MINUTES REGULAR MEETING OF THE BOARD OF WATER COMMISSIONERS LONG BEACH, CALIFORNIA MARCH 17, 2005

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 March 17, 2005.

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

PRESENT: Helen Z. Hansen

Commissioner

Stephen T. Conley Frank Clarke C.J. Mike Walter Bennett A. Long Donna F. Gwin

Commissioner Commissioner Commissioner Commissioner

Lynnette L. French

Senior Deputy City Attorney

Secretary to the Board of Water Commissioners

Diem X. Vuong

Assistant General Manager

Ryan J. Alsop

Manager, Government & Public Affairs

Kenneth A. Walker

Manager, Administration

Matthew P. Lyons

Manager, Planning/Water Conservation

Robert C. Cheng Isaac C. Pai

Director of Operations Director of Engineering Manager, Water Resources

K. Eric Leung Paul T. Fuiita **Robert Swain** Robert Villanueva

Director of Finance Division Engineer Division Engineer

Reymundo Trejo Juan F. Garza

Civil Engineer Administrative Analyst I

Carolyn A. Hill

Senior Secretary

ABSENT:

Kevin L. Wattier

General Manager (Excused)

1. PLEDGE OF ALLEGIANCE

Robert Swain, Division Engineer, led the Board and audience in the Pledge of Allegiance.

2. APPROVAL OF MINUTES

February 24, 2005

It was moved by Commissioner Walter and seconded by Commissioner Long that the Minutes of the Regular Meeting of February 24, 2005, be approved.

The motion was carried by the following vote:

ABSTAIN: COMMISSIONERS:

AYES:	COMMISSIONERS:	HELEN HANSEN, C.J. MIKE WALTER,
		BENNETT LONG
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	STEPHEN CONLEY, FRANK CLARKE

NONE

Arrival of Commissioner: Commissioner Clarke arrived at 9:17 a.m.

March 3, 2005

It was moved by Commissioner Long and seconded by Commissioner Walter that the Minutes of the Regular Meeting of March 3, 2005, be approved. The motion was carried by the following vote:

AYES:	COMMISSIONERS:	HELEN HANSEN, FRANK CLARKE,
		C.J. MIKE WALTER, BENNETT LONG
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	STEPHEN CONLEY
ABSTAIN:	COMMISSIONERS:	NONE

3. PUBLIC COMMENT

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

4. PRESIDENT'S REPORT

• Helen Z. Hansen, President, Board of Water Commissioners

Diamond Valley Lake

President Hansen reported that on Saturday, March 12th, a fortunate angler caught a record 11.3 pound rainbow trout at Diamond Valley Lake in southwestern Riverside County. The trout was nearly double the average size of trout caught at the lake and large enough to break the lake's previous record trout which weighed 10.8 pounds according to marina officials. Diamond Valley Lake, built by the Metropolitan Water District (MWD) and dedicated in March 2000, is Southern California's largest reservoir of untreated drinking water and helps provide the Southland's 18 million people with a reliable water supply on a daily basis. It also helps provide the region with a six-month emergency water supply.

Water Conservation

President Hansen noted an article sent to her by Commissioner Clarke which appeared in the Los Angeles Times on February 17, 2005, entitled "Rainy Day Savings".

Board of Water Commissioners March 17, 2005 Page 3

The commentary focuses on the benefits of rainwater collection systems to capture storm run-off and decrease the amount of rainwater which flows to the sea.

Arrival of Commissioner: Commissioner Conley arrived at 9:25 a.m.

5. REPORT OF THE MWD BOARD MEETING ON MARCH 8, 2005

• Helen Z. Hansen, Director

President Hansen, in her capacity as the City of Long Beach MWD Director, provided the following summary of the MWD Board meeting on March 8, 2005:

Adoption of 2005-2006 Water Rates

The Board adopted a staff recommended alternative water rate proposal that will provide a 1.6 percent increase in rates for the 2005-2006 fiscal year which was less than the 2.9 percent increase recommended in January. The alternative plan, which was developed in meetings and discussions with member agency representatives, calls for a \$10 per acre-foot increase in the treatment surcharge effective January 1, 2006, as opposed to the \$20 per acre-foot increase the Board considered in January. Any undercollection of revenue during 2006 would be recorded and recovered through the rates (including interest) over the next three years (2007, 2008, and 2009). The Board also voted to launch an evaluation of a treated water capacity charge to be considered in January 2006.

Mills Plant Upgrade

The Board appropriated \$7.8 million and authorized studies, preliminary design, and environmental documentation for a project to expand capacity at the Mills Water Treatment Plant in Riverside, and build a 6-1/2 to 8 mile long Perris Valley Pipeline connecting Mills to both Eastern MWD and Western MWD. The expansion would offset the increased demands being made on the Skinner Treatment Plant, and delay the need to construct an additional treatment plant in Riverside County. Both the expansion and pipeline would be finished by June 2008.

Special District Reform

The Board voted to support and amend AB 1234 (Salinas), which would require local government agencies to adopt public policies regarding compensation and reimbursement rates for Board members and establish ethics training. Four directors abstained because they represent charter cities that feel such legislation should not apply to them. The Board also voted to oppose SB 393 (Ortiz) because of restrictive and punitive provisions regarding compensation and what some Board members considered unrealistic limits on travel expenses. The Board also voted to oppose SB 274 (Romero), unless it was amended to remove a restriction that would prevent member agency Board

members from serving on the Metropolitan Board, a practice expressly allowed under the MWD Act.

Environmental Water Account

The Board authorized entering into a three-year Environmental Water Account agreement with the California Department of Water Resources (DWR). The DWR will pay Metropolitan \$500,000 up-front for the right to delay delivery of up to 100,000 acre-feet of water to an environmentally less sensitive time of the year. Metropolitan would receive an additional \$25 for each acre-foot of water actually delayed, and would not have to delay deliveries during years of low allocations from the State Water Project. The new agreement is similar to one-year pacts in place since 2001.

Water Use Bill

The Board endorsed SB 866 (Kehoe), which would require that by 2008 and 2010, respectively, both urban and agriculture water users would report their water use to the state as part of a Web-based system. SB 866 also calls for creating a method for assessing on-farm water use. This proposed requirement arose out of the 2000 CalFed Record of Decision and follows years of consultation with agricultural and urban interests.

Rate Structure Integrity Language

The Board tabled a motion to approve a proposal from six member agencies to modify language adopted in January to protect the integrity of Metropolitan's rate structure. The tabled proposal would have created a 180-day period where-in agencies could present concerns regarding Metropolitan's rates to a board committee, after which they could seek redress in the courts or Legislature. The language approved in January says that any agency taking such action would face potential loss of Metropolitan funds paid for local projects.

6. REVIEW OF BOARD MEETING SCHEDULE FOR APRIL 2005

Helen Z. Hansen, President, Board of Water Commissioners

President Hansen called the Board's attention to the calendar for the month of April and requested input from the Commissioners with regards to the meeting schedule. After the discussion, it was determined that a quorum would be present for the Regular Board meetings of April 7th and 21st and the Committee of the Whole meetings on April 14th and 28th.

7. GENERAL MANAGER'S REPORT

• Diem X. Vuong, Assistant General Manager

No report was given.

8. LEGAL COUNSEL REPORT

• Donna F. Gwin, Senior Deputy City Attorney

No report was given.

9. CONSENT CALENDAR

9a. Approval of Transfer of Funds by Journal Entry Dated March 17, 2005

Transfers No. 114 through No. 126 in the total amount of \$1,662,655.04 covering the Water and Sewer Revenue Funds, were submitted to the Board for approval.

9b. Request Authorization to Attend the Long Beach Police Department's 37th Annual Awards Luncheon Tuesday, May 17, 2005

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

Action Requested:

 That the Board determine that an invitation to participate in the Long Beach Police Department Annual Awards Luncheon on May 17, 2005, at the Long Beach Convention Center complies with Board Policy Statement 1998-31, Expenditure of Water Department Funds for Board approved Long Beach Related Community and Civic Activities, and approve the purchase of a table for ten in the amount of \$1,000.

Funds for Long Beach related community activities are included in the Fiscal Year 2004-2005 annual budget.

9c. Request Authorization for the General Manager to Execute a Memorandum of Understanding (MOU) Between the Board of Water Commissioners and the Board of Harbor Commissioners of the City of Long Beach

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

Action Requested:

 That the Board authorize the General Manager to sign an MOU between the Board of Water Commissioners and the Board of Harbor Commissioners of the City of Long Beach relating to water sampling and water quality monitoring at the Port of Long Beach.

The Port of Long Beach has requested the services of the Long Beach Water Department (LBWD) for water sampling and water quality monitoring of their water distribution system via a service level MOU. The Port will pay the LBWD \$96,1000 for these services during the first year. The MOU may be extended for an additional period of one year each by amendment to the original MOU.

Board Action

It was moved by Commissioner Conley and seconded by Commissioner Long that the Board approve Consent Calendar items 9a-9c. The motion was carried by the following vote:

AYES:	COMMISSIONERS:	HELEN HANSEN, STEPHEN CONLEY,
		FRANK CLARKE, C.J. MIKE WALTER,
		BENNETT LONG
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

10. REQUEST AUTHORIZATION TO ATTEND THE BOY SCOUTS OF AMERICA 2005 "DISTINGUISHED CITIZEN DINNER" ON THURSDAY, APRIL 28, 2005

Executive Summary

The Boy Scouts of America is one of the nation's largest youth organizations, with nearly 5 million members, offering educational programs which emphasize leadership, citizenship, personal development, and physical fitness. This year during the Distinguished Citizen Award Dinner on April 28, 2005, the Boy Scouts of America will honor Long Beach City Manager Gerald R. Miller with the Golden Eagle Award.

Board Action

After discussion, it was moved by Commissioner Conley and seconded by Commissioner Clarke that the Board determine that an invitation to participate as a Table

Board of Water Commissioners March 17, 2005 Page 7

Sponsor in the Boy Scouts of America 2005 "Distinguished Citizen Award Dinner", on April 28, 2005, at the Westin Long Beach Hotel, in the amount of \$1,750 complies with Board Policy Statement 1998-31, Expenditure of Water Department Funds for Board Approved Long Beach Related Community and Civic Activities. The motion was carried by the following vote:

AYES: COMMISSIONERS: HELEN HANSEN, STEPHEN CONLEY, FRANK CLARKE, C.J. MIKE WALTER, BENNETT LONG

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

11. LEGISLATIVE ISSUES/ACTIONS/BILLS

Ryan J. Alsop, Manager, Government and Public Affairs

Water Supplies

Mr. Alsop reported that while Southern California has experienced a deluge of rain this winter, much of the Pacific Northwest is experiencing a stunning lack of precipitation prompting Washington Governor Christine Gregoire to declare a state-wide drought emergency. Officials warn of serious consequences this summer including a higher risk of summer wildfires, river flows inadequate to protect salmon, and higher electricity rates across the West.

Aquarium of the Pacific (AOP) Technology Day March 19th

On Saturday, March 19th, the AOP will host its second annual "Technology Day" at the Aquarium to demonstrate the tools that have enhanced modern living as well as our relationship to the oceans. Visitors will have the opportunity to view high-tech innovations through interactive displays and special presentations. The LBWD has been invited to participate and plans to provide an exhibit which will highlight the Department's research and development efforts in the area of seawater desalination. Tai Tseng, Water Treatment Superintendent, and Juan Garza, Administrative Analyst I, will staff the Water Department's exhibit booth.

State Legislative Update

Mr. Alsop explained that on March 9th, Senate President Pro Tem Don Perata and Senators Sheila Kuehl, Alan Lowenthal, Mike Machado, Christine Kehoe and Joe Simitian introduced a priority package of legislation to improve water quality and toughen enforcement of California's water quality laws. The LBWD staff will provide an analysis and summary of the bills during the Committee of the Whole meeting on March 24, 2005.

Proposed Ordinance Relating to the Disposal of Fats, Oils, and Grease (FOG)

The LBWD Board of Water Commissioners is proposing the addition of a new chapter to Title 8 of the Long Beach Municipal Health Code requiring that all food preparation establishments operating within the City comply with established Best Management Practices for the disposal of FOG.

Mr. Alsop explained that the Water Department is responsible for the operation, maintenance and capital improvement of the 765-mile public sanitary system in the City of Long Beach. Each year, large portions of the City's system require additional maintenance and cleaning due to the fats, oils, and grease that are illegally washed into kitchen sinks and floor drains, most often by food preparation establishments without adequate grease control devices or preventative maintenance measures in place. Fats, oils, and grease pose a significant threat to public health, the quality of our beaches, and the integrity of the City's sewer infrastructure. The proposed ordinance is scheduled to go before the City Council for a first reading on March 22, 2005.

12. NEW BUSINESS

Action to Amend the March 17, 2005 Agenda

It was moved by Commissioner Conley, seconded by Commissioner Long, and unanimously carried, that the need to take action on authorization to attend the Long Beach Chamber of Commerce Business Forecast on Thursday, April 7, 2005, arose after the posting of the March 17, 2005 Board of Water Commissioners' agenda.

Action to Authorize Participation in the Long Beach Chamber of Commerce Business Forecast on April 7, 2005, at the Westin Hotel

It was moved by Commissioner Long, seconded by Commissioner Walter, and unanimously carried, that the Board determine that an invitation to participate in the Long Beach Chamber of Commerce Business Forecast on April 7, 2005, at the Westin Long Beach Hotel, complies with Board Policy Statement 1998-31, Expenditure of Water Department Funds for Board approved Long Beach Related Community and Civic Activities, and approve participation as a Silver Sponsor in the amount of \$1,000.

Board Meeting Schedule - April 2005

The Board noted that the Long Beach Chamber Business Forecast is scheduled on Thursday, April 7th, the date of the next regularly scheduled Board Meeting. A number of options were discussed in terms of the calendar and the Board agreed to re-format the Committee of the Whole meeting on March 31st as a Regular Business meeting and to cancel the Regular Meeting on April 7th in order for the Board to attend the Chamber event.

Aquarium of the Pacific (AOP) - California and Water Educational Course

Commissioner Conley stated that the AOP's California and Water series, sponsored by the LBWD, is underway and meets five consecutive Thursdays from March 10th through April 7th. He stated that this educational course is an excellent example of the productive partnership forged between the AOP and the LBWD to educate the public on issues relating to water conservation, water quality, and environmental preservation.

13. ADJOURNMENT

There being no further business to come before the Board, it was moved by Commissioner Clarke, seconded by Commissioner Walter, and unanimously carried, that the meeting be adjourned at 10:35 a.m. to the next Regular Meeting of the Water Commission to be held on Thursday, March 31, 2005, at 9:15 a.m., in the Board Room of the Administration Building, 1800 E. Wardlow, in Long Beach, California.

Frank Clarke Secretary

Attest:

Helen Z. Hansen, President