



Board of Harbor Commissioner Minutes

Minutes of the Board of Harbor Commissioners regular meeting of the City of Long Beach, held in the Board Room of the Harbor Department Interim Administration Building at 4801 Airport Plaza Drive, Long Beach, California, on September 28, 2015, at 6:00 p.m.

Present: Commissioners: Dines, Drummond, Egoscue, Bynum, Guzmán
Absent: Commissioners:
President Guzmán chaired the meeting.

I. REPORTS

1R. HD-15-542 Presentation of the Environmental Summit and Student Exchange Program by Long Beach Yokkaichi Sister City Association.

2R. HD-15-550 Receive and file the presentation on next steps for the Mitigation Grants Programs. (Environmental Planning - H. Tomley)
[Legislation Text](#)
[9-28-15 BHC Mitigation grants board slides Attachment](#)

Motion: receive and file

Dines moved, seconded by Egoscue, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

President Guzmán made a motion to establish a Special Purpose Committee, pursuant to Articles IV.A and V.A of the Bylaws, consisting of Commissioner Egoscue and Vice President Bynum, to work with Environmental Planning on the Mitigation Grants Program.

Dines moved, seconded by Egoscue, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 3R.** HD-15-577 Middle Harbor Terminal Redevelopment Program Update.
(Program Management - T. Baldwin)
[Middle Harbor Presentation](#)

Motion: receive and file

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

II. NEW BUSINESS

Consent Agenda

Motion: Approve Consent Items #1-8.

Egoscue moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

1. HD-15-571 Approval of Minutes - September 11, 12 & 14, 2015. (Commission - S. Ortiz)
[Legislation Text](#)
[09112015 Minutes Special Meeting](#)
[09122015 Minutes Special Meeting](#)
[09142015 Minutes](#)
2. HD-15-565 Receive and file Level I Harbor Development Permits.
(Environmental Planning - H. Tomley)
[Legislation Text](#)
[20150928_Board Memo map.doc](#)
3. HD-15-572 Approval of Fund Transfer Journals. (Finance - B. Christie)
[Legislation Text](#)
[BOH - Fund Transfer Journals 9-28-15](#)
4. HD-15-559 Authorize the Chief Executive to execute the First Amendment to Contract with Mark Thomas & Company, Inc. for a time extension only to October 31, 2016.
(Engineering Design - J. Chun) (DOCUMENT NO. HD-8098A)
[Legislation Text](#)
[Mark Thomas CO. - HD-8098 - Amendment 1 \(signed by firm\)](#)

5. HD-15-560 Approve Substantial Completion of work as of August 17, 2015 for Pier D Water System Interconnect project; Pyramid Building and Engineering, Inc.
(Construction Management - S. Plezia)
[Legislation Text](#)
[Punchlist](#)
6. HD-15-536 Approve Final Acceptance of Work by FenceCorp, Inc. for On-Call Providing and Installing Fencing Material; FenceCorp, Inc. (Construction Management - S. Plezia)
[Legislation Text](#)
7. HD-15-537 Approve Final Acceptance of Work by Lovco Construction, Inc. for On-Call Rental of Construction Equipment and Other Related Services; Lovco Construction, Inc.
(Construction Management - S. Plezia)
[Legislation Text](#)
8. HD-15-538 Approve Final Acceptance of Work by Steve Bubalo Construction Co., Inc. for On-Call Recycling Asphalt, Concrete Materials and Other Related Services; Steve Bubalo Construction Co., Inc. (Construction Management - S. Plezia)
[Legislation Text](#)

[Regular Agenda](#)

9. HD-15-567 Approve additional appropriations in the amount of \$400,000 for outside counsel Nixon Peabody for specialized assistance on State Regulatory Energy Issues.
(City Attorney - D. Holzhaus)
[Legislation Text](#)

Motion: Approve recommendation.

Egoscue moved, seconded by Drummond, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

10. HD-15-554 Authorize the Chief Executive to advertise for bids, Specification HD-S2507, Critical Valve Replacement Program, Phase II. (Engineering Design - J. Chun)
[Legislation Text](#)
[HA1410_Site Map](#)
[Notice Inviting Bids - Critical Valve Replacement - Phase II](#)

Motion: Approve recommendation.

Drummond moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

11. HD-15-543 Approve Co-funding in the amount of \$566,989.50 for four contractors: Center for Transportation and the Environment, Transportation Power, U.S. Hybrid, and Gas Technology Institute to develop and demonstrate a total of six trucks as approved under the U.S. Department of Energy's Zero Emission Cargo Transport Project managed by the South Coast Air Quality Management District; enter into a contract agreement with SCAQMD to administer co-funding on behalf of the San Pedro Bay Ports; and enter into the twenty-ninth amendment to the Clean Air Action Plan master cost-share agreement with the Port of Los Angeles in the amount of \$566,989.50; and approve Expense Work Order HA5221. (Environmental Planning - H. Tomley) (DOCUMENT NO. HD-8537) (DOCUMENT NO. HD-7173Cc)

[Legislation Text](#)

[9-28-15 BHC POLB-POLA Cost Share Agreement AQMD-DOE ZECT Project Attachment RS](#)

[9-28-15 BHC POLB-POLA AQMD-DOE ZECT Funding Contract Project Attachment RS](#)

[Project_Approval_Request_2C_REVISIED_FILLABLE_FORM \(DOE-AQMD Project\)](#)

Motion: Approve recommendation.

Egoscue moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

12. HD-15-544 Authorize the Chief Executive to enter into an agreement with US Hybrid Corporation in the amount of \$75,000 to design, develop, and integrate two on-board chargers into two Class 8 battery electric drayage trucks being manufactured by US Hybrid; approve co-funding in the amount of \$37,500 for the Port of Long Beach's share of the project; enter into the thirtieth amendment to the Clean Air Action Plan master cost-share agreement with the Port of Los Angeles in the amount of \$37,500; and approve Expense Work Order HA5220. (Environmental Planning - H. Tomley) (DOCUMENT NO. HD-8542) (DOCUMENT NO. HD-7173Dd)

[Legislation Text](#)

[9-28-15 BHC US Hybrid Contract Attachment](#)

[9-28-15 BHC Project Funding Request Form US Hybrid Attachment](#)

[US Hybrid Cost Share Agreement_\(Revised 09.01.15\)](#)

Motion: Approve recommendation.

Drummond moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

13. HD-15-534 Authorize the Chief Executive Officer to execute a Contract with AECOM Technical Services, Inc., for term of three years in the amount of \$2,632,532, and Authorize Spending in the amount of \$2,907,532 for the Port-wide Dredge Plan and Federal Channel Expansion Study. (Program Management - D. Sereno) (DOCUMENT NO. HD-8544)

[Legislation Text](#)

[Attachment A - Professional Services Summary of Selection Process](#)

[Professional Services Contract with AECOM Technical Services Inc.](#)

Motion: Approve recommendation.

Egoscue moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

14. HD-15-549 Authorize Chief Executive Officer to execute the Third Amendment to Contract with Berg & Associates, Inc., in the amount of \$300,000 and extending the term of the contract from September 30, 2015 to March 31, 2016, for construction management services for the Ocean Boulevard/Pier F Track Realignment Project. (Construction Management - S. Plezia) (DOCUMENT NO. HD-7980C)

[Legislation Text](#)

[Third Amendment to Contract No. HD-7980](#)

Motion: Approve recommendation.

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

15. HD-15-551 Authorize the Chief Executive Officer to execute a Settlement Agreement with Manson Construction Company in the amount of \$488,377.68 for the Termination of Contract for Convenience for the Demo of NRG Intake Forebay Structure; Manson Construction Company (Construction Management - S. Plezia) (DOCUMENT NO. HD-8545)

[Legislation Text](#)

Motion: Approve recommendation.

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 16.** HD-15-520 Approve partial release of retention in the amount of \$1,479,305.70 for the Pier E Middle Harbor Marine Operations Building and Power - Crane Maintenance Shop; W.E. O'Neil Construction Co. (Construction Management - S. Plezia)
[Legislation Text](#)

Motion: Approve recommendation.

Egoscue moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 17.** HD-15-555 Authorize the Chief Executive Officer to execute a Contract with AMEC Foster Wheeler Environment and Infrastructure, Inc. in the amount of \$4,707,239 and for a term of 32 months to provide construction management services for the Middle Harbor Phase 2, Pier E Slip No. 1 East Basin Fill. (Construction Management - Plezia) (DOCUMENT NO. HD-8546)
[Legislation Text](#)
[Professional Services Contract with Amec Foster Wheeler](#)
[Summary of Procurement](#)

Levi Javier addressed the Board.

Motion: Approve recommendation.

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 18.** HD-15-526 First Reading of Ordinance to Approve the Virtual Port System Public Records and Privacy Policy. (Security - R. Parsons)
[Legislation Text](#)
[Ordinance_Virtual Port System_\(Final 09.03.15\)](#)

Motion: Approve recommendation.

Bynum moved, seconded by Egoscue, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 19.** HD-15-539 Approve the Memorandum of Agreement with the Los Angeles Police Department for the Automated First Responder Resource Project. (Security - R. Parsons)
(DOCUMENT NO. HD-8541)
[Legislation Text](#)
[MOA - LAPD & POLB 8-3-2015.pdf](#)

Motion: Approve recommendation.

Bynum moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 20.** HD-15-562 Adopt Resolution to approve and authorize the Chief Executive to execute a Master Joint Revocable Permit with Crimson California Pipeline, L.P. and determine that action is Statutorily Exempt pursuant to the California Environmental Quality Act.
(DOCUMENT NO. HD-8547) (RESOLUTION NO. HD-2823)
(Real Estate - K. Adamowicz)
[Legislation Text](#)
[MJRP Crimson](#)
[Resolution - Crimson](#)
[Vicinity Map Crimson Calif. Pipeline](#)

Motion: Approve recommendation.

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

- 21.** HD-15-568 Second Reading and Adoption of Ordinance approving Ninth Amendment to Pier T Tanker Terminal Agreement with Carson Cogeneration Company, and determination that action is categorically exempt pursuant to the California Environmental Quality Act.
(Real Estate - K. Adamowicz) (ORDINANCE NO. HD-2224)
[Legislation Text](#)
[9th Amendment to Pier T Tanker](#)
[Carson Cogeneration Ordinance](#)
[Vicinity Map - Tesoro - HD-3253 - 9th Amendment](#)

Motion: Approve recommendation.

Bynum moved, seconded by Drummond, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

22. HD-15-573 Emergency Ordinance providing consent to a License Agreement between Toyota Motor Sales, U.S.A., Inc. and SSA Terminals, LLC, and approval of Second Amendment to License Agreement with Southern California Edison Company substantially in the form attached hereto, and approving a determination that the action is categorically exempt pursuant to the California Environmental Quality Act, and authorizing the Chief Executive to execute the documents. (Real Estate - K. Adamowicz) (DOCUMENT NO. HD-8548)
(DOCUMENT NO. HD-5180B)

[Legislation Text](#)

[SSA Terminal Toyota Motor Sales License Agreement](#)

[CEQA Determination - Toyota SSAT SCE Agreement](#)

[Ordinance re SCE_Toyota_SSAT_\(09.17.15\)](#)

[ToyotaLeases_JSH_RevA_300dpi use](#)

[Second Amendment of License Agreement-SCE Toyota Agreement](#)

Motion: Approve recommendation.

Dines moved, seconded by Egoscue, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

SUPPLEMENTAL

23. HD-15-581 Approve additional appropriations in the amount of \$400,000 for outside counsel Nossaman LLP for specialized assistance on harbor matters. (City Attorney - D. Holzhaus)
[Legislation Text](#)

Motion: Approve recommendation.

Egoscue moved, seconded by Bynum, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

24. HD-15-586 Approve a sponsorship of the National Association for the Advancement of Colored People (NAACP) Long Beach Branch 75th Anniversary and the 36th Founders Celebration Dinner and Awards Presentation at the \$20,000 Gold Sponsor level.
(Communications - M. Gold)
[Legislation Text](#)
[NAACP 2015 Application.pdf](#)

Motion Approve recommendation.

Dines moved, seconded by Drummond, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

25. HD-15-578 Approve an Access Agreement with OOCL LLC and LBCT LLC and authorize the Chief Executive to execute the document for the Gerald Desmond Bridge Replacement Project. (Real Estate - K. Adamowicz) (DOCUMENT NO. HD-8549)

[Legislation Text](#)

[Access Agreement OOCL, LBCT, POLB](#)

Motion: Approve recommendation.

Drummond moved, seconded by Dines, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

26. HD-15-585 Approve First Reading of Emergency Ordinance approving a Quitclaim Deed (Fee), Quitclaim Deed (Fee II), Quitclaim Deed (Aerial Easement Rights), Aerial Easement Deed and Agreement II., and approve a Second Amendment of Demolition, Relocation of Dewatering Wells and Utility Lines and Access Agreement with Long Beach Generation, LLC, substantially in the form attached hereto; and pay Long Beach Generation \$346,500 as liquidated damages resulting from schedule delays due to changing field conditions; and Declare the urgency thereof; and provide that this Ordinance shall take effect immediately. (Real Estate - K. Adamowicz) (DOCUMENT NO. HD-8550) (DOCUMENT NO. HD-8551) (DOCUMENT NO. HD-8552) (DOCUMENT NO. HD-8180B)

[Legislation Text](#)

[NRG - Quitclaim Deed \(Fee\)Recitals](#)

[Quitclaim Deed Fee II](#)

[Quitclaim Deed - NRG-AE Rights](#)

[NRG-Aerial Easement Deed and Agreement](#)

[Second Amendment of Demolition, Access Agreement, Relocation of Dewatering Wells Ordinance_LBG_\(09.22.15\)](#)

Motion: approve

Drummond moved, seconded by Egoscue, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

27. HD-15-579 Receive and File the Statement of Personal and Professional Conduct Values.
(Commission - L. Guzmán)
[Legislation Text](#)
[2014 February Bylaws Ordinance 2181](#)

Motion: Receive and file

Egoscue moved, seconded by Drummond, carried by the following vote:

Ayes:	Commissioners:	Dines, Drummond, Egoscue, Bynum, Guzmán
Noes:	Commissioners:	None
Absent:	Commissioners:	None

III. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

IV. REPORTS FROM EX OFFICIO APPOINTEES

HD-15-569 Reports, if any, from board members serving on external board, commissions and committees requiring representation of the board pursuant to Article V.B of the Bylaws, including the Intermodal Container Transfer Facility, the Alameda Corridor Transportation Authority, the Interstate 710 Project Committee, Gateway Cities Council of Governments, Southern California Leadership Council and the Los Angeles Area Chamber of Commerce.

Commissioner Dines reported on his attendance at an ACTA meeting.

V. ANNOUNCEMENTS

VI. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

- 1CS. HD-15-570 Closed session pursuant to Section 54957 of the Government Code to consider the appointment and employment of a Chief of Staff to the Board of Harbor Commissioners.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- 2CS.***WITHDRAWN***HD-15-575 Closed session pursuant to Section 54956.8 of the Government Code for conference with Harbor Department negotiator Jon Slangerup to discuss price and terms of payment of the proposed Civic Center project. The City's negotiating party is Plenary-Edgemoor.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

- 3CS. HD-15-576 Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) and paragraph (2) of subdivision (e) of Section 54956.9 of the Government Code (two cases relating to claims by Manson Construction on the Middle Harbor Phase 1, Stage 2 Wharf & Backlands

and Slip 1 Fill and Wharf D28 projects).

Adjournment

The meeting was adjourned in memory of William Vasquez at approx. 8:00 pm.