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 February 13, 2017, at 6:00 pm.

| | | |
|---|---|---|
| Present: | Commissioners: | Guzmán, Bynum, Egoscue, Drummond, Dines |
| Absent: | Commissioners: | |

President Guzmán chaired the meeting

## I. REPORTS

**1R.** HD-17-080 Presentation on the Clean Air Action Plan 2017 Update Draft Discussion Document. (Environmental Planning - H. Tomley)
Legislation Text
CAAP Comments (26 JAN 2017) (1).docx
CAAP Presentation 13-2-2017.pptx

The following individuals addressed the Board:

1. Thomas Jelenic
2. Kate Battist, Abi Guillen and Sophia Guillen
3. Melissa Lin Perrella
4. Thomas Lawson
5. Greg Roche
6. Allison Smith
7. Nick Lumpkin
8. Nidia Erceg
9. Angelo Logan
10. Jessie Marquez

Motion: Receive and file.

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

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

**2R.** HD-17-083 Presentation of the Port's Succession Planning Initiative (Human Resources - S. Lewis)
Legislation Text
BOHC Succession Planning Powerpoint 2017

Motion: Receive and file.

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

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

## II. NEW BUSINESS

### Consent Agenda

Commissioner Dines pulled Item # 3 for discussion.

Motion: Approve Consent Items #1 & 2.

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

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

**1.** HD-17-066 Approval of Minutes - January 23, 2017. (Commission - S. Ortiz)
Legislation Text
012317 BHC Minutes

**2.** HD-17-072 Authorize the Interim Chief Executive to pay California Association of Port Authority Membership Dues in the amount of $34,326.50 for December 2016/January/February 2017. (Executive - D. Kenagy)
Legislation Text
CAPA

**3.** HD-17-073 Approve a Time Extension for the Alameda Corridor Maintenance Agreement from April 14, 2017 to October 14, 2017. (Tenant Services - G. Farren)
Legislation Text
NMA 2017-1_letter_exhibit_amendment-01202017-1
PORTS & RR UOA APPROVAL LOOK-AHEAD

Motion: Approve recommendation.

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

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

### Regular Agenda

**4.** HD-17-060 Approve appropriation for Swain & Dipolito LLP in the amount of $100,000 for specialized assistance on harbor matters. (City Attorney - C. Gale)

Legislation Text

Motion: Approve recommendation.

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

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

**5.** HD-17-071 Adopt Resolution rescheduling the February 27, 2017 meeting to March 2, 2017, at 6:00 p.m. (Commission - R. Jordan)
Legislation Text
Resolution

Motion: Adopt Resolution.

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

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

**6.** ***WITHDRAWN*** HD-17-064 Approve a contract with Imagemakers Web Development Inc. in the amount of $234,100, for the period December 1, 2016 through August 1, 2020, to provide website redesign services. (Communications- H. Moro)

**7.** HD-17-068 Authorize the Interim Chief Executive to approve Third Amendment to Contract with Upland Software in an amount not to exceed $549,111 and a time extension to September 19, 2019, for professional services and software licenses. (Information Management - N. Maiko)
Legislation Text
3RD AMD - UPLAND SOFTWARE II, INC.

Motion: Approve recommendation.

Tracy Egoscue moved, seconded by Lou Anne Bynum, carried by the following vote:

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

**8.** HD-17-039 Authorize First Amendment to Contracts with Charles King Company, Connolly-Pacific Co, and Ferreira Coastal Construction Co. to eliminate requirement to withhold retention from progress payments and release $15,895.39 to Charles King Company for on-call underground wet utilities, release $28,809.01 to Connolly- Pacific Co, for repair of rock dikes and release $15,190.09 to Ferreira Coastal Construction Co. for providing and installing fencing material.
(Construction Management - S. Plezia)
Legislation Text
First Contract Amendment HD-8614

First Contract Amendment HD-8583
First Contract Amendment HD-8447
Attachment A - Retention Status

Motion: Approve recommendation.

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

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

**9.** HD-17-058 Ratify Change Order No. 24, authorized by the Interim Chief Executive in the amount of $164,800; authorize the Interim Chief Executive to execute Change Order No. 25 in the amount of $165,000 and restore the Interim Chief Executive's authority to $200,000 for the Pier E, Middle Harbor, Terminal Container Yard / Intermodal Railyard Phase 2; Balfour Beatty Infrastructure Inc. (Construction Management - S. Plezia)
Legislation Text
Change Order No. 24
Change Order No. 25

Motion: Approve recommendation.

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

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

**10.** HD-17-079 Request for the Port of Long Beach to accept the Cooperative Agreement from the Environmental Protection Agency under the Fiscal Year 2016 Diesel Emission Reduction Act program in the amount of $1,469,818. (Environmental Planning - H. Tomley)
Legislation Text
POLB-EPA_Cooperative_92616 (3).pdf

Motion: Approve recommendation.

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

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

**11.** HD-17-076 Adopt Resolution approving a Joint Revocable Permit with BNSF Railway Company to install two subsurface telecommunication conduits and make the determination that this action is Categorically Exempt pursuant to the California Environmental Quality Act. (Real Estate - K. Adamowicz)
Legislation Text

BNSF - Telecomm Conduit Joint Revocable Permit
BNSF - Telecomm Conduit Resolution
BNSF - Vicinity Map
BNSF - Exhibit A

Motion: Approve recommendation.

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

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

**12.** HD-17-078 First Reading of Ordinance approving Fourth Amendment to the Ground Lease Agreement between the Port and Harbor Cogeneration Company, LLC, at Pier A and making the determination that this action is Categorically Exempt pursuant to the California Environmental Quality Act; declaring urgency thereof and providing that this Ordinance shall take effect immediately. (Real Estate - K. Adamowicz)
Legislation Text
Harbor Cogen - 4th Amendment to Ground Lease
Harbor Cogeneration - Ordinance
Harbor Cogen - Vicinity Map

Motion: Approve recommendation.

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

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

**SUPPLEMENTAL**

**13.** HD-17-084 Approval of Appointments of Sean Gamette to the position of Managing Director, Engineering, Ron Groves to the position of Senior Civil Engineer, Gonzalo Cabello to the position of Gardener II, Eric Chau to the position of Administrative Intern, Non-Career, Miguel Cowo to the position of Administrative Intern, Non-Career, Wilson Leong to the position of Administrative Intern, Non-Career, Norma Pablo to the position of Administrative Intern, Non-Career, Fabian Luquin to the position of Maintenance Assistant I, Non-Career, and Michael Morrison to the position of Maintenance Assistant I, Non-Career. (Human Resources - M. Huebner)
Legislation Text

Motion: Approve recommendation.

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

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

**14.** HD-17-091 Approve the proposal by President Guzmán, pursuant to Articles IV.A and V.A of the Bylaws, to establish a Special Purpose Ad Hoc Committee, consisting of President Guzmán and Vice President Bynum, to review the 2018 Harbor Department proposed Budget.
(Commission - L. Guzman)
Legislation Text

Motion: Approve recommendation.

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

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

**15.** HD-17-094 Approve updated Ad Hoc Committee Assignments for 2016-2017: Alameda Corridor JPA - Lori Ann Guzmán, representative and Tracy Egoscue, alternate; and Gateway Cities Council of Governments - Doug Drummond, representative and Tracy Egoscue, alternate.
(Commission - L. Guzmán)
Legislation Text

Motion: Approve recommendation.

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

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

## III. REPORTS FROM EX OFFICIO APPOINTEES

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.

## IV. PUBLIC COMMENTS ON NON-AGENDA ITEMS

## V. ANNOUNCEMENTS

## VI. CLOSED SESSION

## CONFERENCE WITH REAL PROPERTY NEGOTIATORS

1CS. HD-17-075 Closed session pursuant to Section 54956.8 of the Government Code for conference with real property negotiator Duane Kenagy to discuss price and terms of payment with Metropolitan Stevedore Company as regards the Operating Agreement for that portion of Pier G located adjacent to Berths G212 to G215.

2CS. HD-17-081 Closed session pursuant to Section 54956.8 of the Government Code for conference with

real property negotiator Duane Kenagy to discuss price and terms of payment for the Pier A Marine Container Terminal. The negotiating party is SSA Terminals (Long Beach), LLC.

3CS. HD-17-082 Closed session pursuant to Section 54956.8 of the Government Code for conference with real property negotiator Duane Kenagy to discuss price and terms of payment for the Pier G Container Terminal. The negotiating party is International Transportation Service, Inc.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

4CS. HD-17-087 Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code (one case).

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

5CS. HD-17-070 Closed session pursuant to Section 54957(b)(1) of the Government code to discuss evaluation of the performance of the Chief of Staff to the Board of Harbor Commissioners.

Adjournment