

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, OCTOBER 8, 2007, AT 1 P.M.

Present: Commissioners: Sramek, Topsy-Elvord, Walter, Cordero  
Absent: " Hankla\*  
(\*On Port Business)

Also present:

R. D. Steinke	Executive Director
S. B. Rubin	Managing Director
C. Lytle	Managing Director
D. A. Thiessen	Managing Director
R. G. Kanter	Managing Director
D. K. Jacobus	Acting Executive Officer to the Board
L. Marin	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
A. J. Moro	Chief Harbor Engineer
K. J. Adamowicz	Acting Director of Real Estate
C. Perrone	Director of Security
D. B. Snyder	Director of Trade Relations
S. Ashley	Director of Government Affairs
R. S. Baratta	Director of Risk Management
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT CORDERO PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Topsy-Elvord, seconded by Commissioner Sramek and unanimously carried, the minutes of the special meeting of September 24, 2007, were declared read and approved as read.

PUBLIC COMMENTS ON AGENDA ITEMS.

There was no one present to address the Board on agenda items.

CONSENT AGENDA – ITEMS NOS. 1-14.

Items Nos. 2, 7, 10, 12, and 13 were removed from Consent Agenda for discussion.

1. SPECIFICATION NO. HD-S2245 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – PIER G – EAST TERMINAL REFRIGERATED CONTAINER RECEPTACLES.

Communication from Douglas J. Sereno, Director of Program Management, dated October 3, 2007, submitting Specification No. HD-S2245 for the Pier G, East Terminal Refrigerated Container Receptacles, and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Acting Executive Director.

3. TIDELANDS OIL PRODUCTION COMPANY – PERMIT TO DRILL WELL Z-271 - APPROVED.

Communication from Richard Cameron, Director of Environmental Planning, dated October 1, 2007, recommending approval of the application submitted by Tidelands Oil Production Company for a permit to drill Well Z-271, was presented to the Board. The recommendation was approved by the Acting Executive Director.

4. LEVEL I HARBOR DEVELOPMENT PERMITS – RECEIVED AND FILED.

Communication from Richard D. Cameron, Director of Environmental Planning, dated September 18, 2007, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #07-084	Cooper/T. Smith Stevedoring Co., Inc. – Warehouse Repairs
HDP #07-085	Foss Maritime – Modular Office Installation
HDP #07-086	Ribost Terminal – Access Ramp Installation
HDP #07-089	City of Long Beach Department of Health and Human Services – Shower Repairs
HDP #07-094	Port of Long Beach – Solar Car Canopy Pilot Project

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

5. BUDGETED HARBOR TRANSFERS FOR FISCAL 2008 – RECEIVED AND FILED.

Communication from Sam Joumbat, Chief Financial Officer, dated October 1, 2007, requesting the Budgeted Harbor Transfers for Fiscal 2008, be received and filed, was presented to the Board. The request was approved by the Acting Executive Director.

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

Communication from Sam Joumblat, Chief Financial Officer, dated October 3, 2007, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
274,736.25	Police Department – Police services for July 2007
14,193.25	Public Works Department – maintenance of traffic signals for 4 <sup>th</sup> quarter of FY 2007
465.96	Reprographics for September 2007
241.73	Planning and Building Permits for August 2007
499.00	Fingerprinting for June through August 2007
100,000.00	City Attorney Department – costs for ACTA related matters from October 2006 to September 2007
2,905.00	Gas & Oil Department – cost for gas service installation
308.00	Fire Department – cost for Standby Firefighter Services for EA and Pro Street Games on 8/18/07
89,645.00	Health Department – costs for mold remediation and reconstruction
1,200.00	Gas & Oil Department – costs for gas line removal
108.00	Technology Services Department – pager service charges for July and August 2007

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

8. LAVELLE LEMONIER – APPOINTMENT.

Communication from Lisa Marin, Director of Human Resources, dated October 4, 2007, requesting approval of the appointment of Lavelle Lemonier to the position of Port Financial Analyst III at Range/Step 710/02, effective October 9, 2007, was presented to the Board. The request was approved by the Acting Executive Director.

9. DIANA REZINK – APPOINTMENT.

Communication from Lisa Marin, Director of Human Resources, dated October 4, 2007, requesting approval of the appointment of Diana Rezinck to the position of Civil Engineer Assistant at Range/Step 514/05, effective October 15, 2007, was presented to the Board. The request was approved by the Acting Executive Director.

11. MOFFATT & NICHOL - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE THIRD AMENDMENT TO CONTRACT FOR PROFESSIONAL SUPPORT SERVICES FOR SECURITY GRANT PROJECTS – DOCUMENT NO. HD-6807C.

Communication from Cosmo Perrone, Director of Security, dated September 25, 2007, requesting approval of an amendment to Contract with Moffatt & Nichol for professional support services for security grant projects, in the amount not-to-exceed \$450,000, was presented to the Board. The request was approved by the Acting Executive Director.

14. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) – PORT OF LOS ANGELES – UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) – STATE OF CALIFORNIA BUSINESS, TRANSPORTATION AND HOUSING AGENCY (BT&H) – AND OTHER REGIONAL, STATE, AND FEDERAL AGENCIES – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE COOPERATION AGREEMENT TO FACILITATE COOPERATION, COORDINATION, AND COLLABORATION ON CRITICAL GOODS MOVEMENT ISSUES IN THE SOUTHERN CALIFORNIA NATIONAL FREIGHT GATEWAY AREA - DOCUMENT NO. HD-7227.

Communication from Robert Kanter, Managing Director, dated October 2, 2007, requesting approval of the Cooperation Agreement with Southern California Association of Governments (SCAG), Port of Los Angeles, United States Department of Transportation (USDOT), State of California Business, Transportation and Housing Agency (BT&H), and other regional, state, and federal agencies, to facilitate cooperation, coordination, and collaboration on critical goods movement issues in the Southern California National Freight Gateway area, with a term ending December 31, 2015, was presented to the Board. The recommendation was approved by the Acting Executive Director.

Commissioner Walter moved, seconded by Commissioner Sramek that the communications be received and filed and that Items Nos. 1, 3-6, 8, 9, 11, and 14 be approved as recommended. Carried by the following vote:

AYES:	Comms:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla

2. CALIFORNIA STATE UNIVERSITY LONG BEACH UNIVERSITY FOUNDATION - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT TO CONDUCT A STUDY OF INTER-INDUSTRY LINKAGES ASSOCIATED WITH PORT IMPORTS - DOCUMENT NO. HD-7228.

Communication from Larry Cottrill, Director of Master Planning, dated September 25, 2007, recommending authorization of a Contract with California State University Long Beach University Foundation to conduct a study of inter-industry linkages associated with Port imports, in the total amount of \$120,200, was presented to the Board. The recommendation was approved by the Acting Executive Director.

Commissioner Walter recused himself from participation in this item due to his employment relationship with the University.

In response to a request by President Cordero, Mr. Cottrill reviewed the item.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the communication be received and filed, that the Executive Director be authorized to execute said contract with California State University Long Beach University Foundation. Carried by the following vote:

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

Commissioner Walter returned to the meeting.

**7. FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR THE MONTH OF AUGUST 2007 – RECEIVED AND FILED.**

Communication from Sam Joumbat, Chief Financial Officer, dated October 3, 2007, transmitting financial statements for the Long Beach Harbor Department for the month of August 2007, was presented to the Board. The financial statements were approved by the Acting Executive Director.

In response to a request by Commissioner Walter, Mr. Sam Joumbat reviewed the financial statements and confirmed income from Port operations was down from last year, which is a reflection on the industry.

Commissioner Walter moved, seconded by Commissioner Topsy-Elvord that the communication and financial statements transmitted therewith be received and filed. Carried by the following vote:

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

**10. PACIFIC HARBOR LINES – INTERNATIONAL TRANSPORTATION SERVICES – SOUTHERN CALIFORNIA REGIONAL RAILWAY AUTHORITY – TIDELANDS OIL PRODUCTION COMPANY - EXECUTIVE**

**DIRECTOR AUTHORIZED TO SIGN INDEMINIFICATION AGREEMENTS FOR THE PORT FEST EVENT – DOCUMENT NO. HD-7229.**

Communication from Heather Morris, Director of Communications, dated October 3, 2007, recommending authorization of an Indemnification Agreements with Pacific Harbor Lines (PHL), International Transportation Services (ITS), Southern California Regional Railway Authority (Metrolink), and Tidelands Oil Production Company for the Port Fest Event, was presented to the Board. The recommendation was approved by the Acting Executive Director.

Ms. Morris stated that in addition to the three agreements described in the Board memorandum, a similar agreement would be required with Tidelands Oil Production Company.

Commissioner Walter moved, seconded by Commissioner Sramek that the communication be amended to include Tidelands Oil Production Company in the Indemnification Agreement be received and filed, and that the Executive Director be authorized to execute said agreement. Carried by the following vote:

AYES:	Commrs:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla

**12. AKIN GUMP STRAUSS HAUER & FELD, LLP - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE REVISED CONTRACT FOR FEDERAL LEGISLATIVE ADVOCACY SERVICES - DOCUMENT NO. HD-7226.**

Communication from Samara Ashley, Director of Government Affairs, dated October 2, 2007, recommending authorization of the revised Contract with Akin Gump Strauss Hauer & Feld, LLP, for federal legislative advocacy services, in the monthly amount of \$10,000, for the period of October 1, 2007, through September 30, 2008, was presented to the Board. The recommendation was approved by the Acting Executive Director.

Ms. Ashley stated there was a correction to the last paragraph of the memo for the revised Contract with Akin Gump Strauss Hauer & Feld, LLP, and it should read, “should the Port of Long Beach not be satisfied with the firm’s legislative representation services, the Port has the right to terminate the contract with Akin Gump Strauss Hauer & Feld, LLP, within 30 days.”

Mr. Holzhaus stated his office had determined the Akin Gump Strauss Hauer & Feld, LLP, Contract with the MTA posed no conflict of interests for the Port and its contract with them.

Additionally, he stated there were procedural changes to the indemnity and insurance of the Contract.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the corrected communication be received and filed; that the Executive Director be authorized to execute said contract. Carried by the following vote:

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

13. E. DEL SMITH & COMPANY, DBA CARPI CLAY & SMITH - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO CONTRACT FOR SUPPLEMENTAL WASHINGTON, D.C., LEGISLATIVE REPRESENTATION SERVICES – DOCUMENT NO. HD-7080A.

Communication from Samara Ashley, Director of Government Affairs, dated October 2, 2007, requesting approval of an Amendment to Contract with E. Del Smith & Company, DBA Carpi Clay & Smith for supplemental Washington, D.C., legislative representation services, extending the contract through December 31, 2007, in the monthly amount of \$14,300, was presented to the Board. The request was approved by the Acting Executive Director.

Mr. Holzhaus stated there was a correction to the total amount of the Contract with E. Del Smith & Company, dba Carpi Clay & Smith and it should read \$42,900.

Commissioner Walter moved, seconded by Commissioner Sramek that the communication be received and filed, that said corrected amendment to Contract with E. Del Smith & Company, dba Carpi Clay & Smith be approved, and that the Executive Director be authorized to execute the amendment. Carried by the following vote:

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

15. FIRST AMENDMENT TO AGREEMENT WITH THE CITY OF LOS ANGELES, THE CITY OF LONG BEACH, AND KAY SCHOLER, LLP FOR LEGAL SERVICES .

Communication from Dominic Holzhaus, Principal Deputy City Attorney, dated October 2, 2007, requesting approval of a First Amendment to the Agreement with Kaye Scholer, LLP for legal services related to the Clean Air Action Plan, was presented to the Board.

In response to a request by Commissioner Walter, Mr. Holzhaus reviewed the item.

Commissioner Walter stated he would like to discuss this in closed session.

Mr. Holzhaus stated that the item relates to the subject matter of the closed session, later on the agenda, and that a vote on this item could be deferred until after the closed session.

Commissioner Topsy-Elvord moved, seconded by Commissioner Sramek that consideration of this item be deferred until after the closed session. Carried by the following vote:

AYES:	Commrs:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla

16. LONG BEACH HARBOR DEPARTMENT AND THE OFFICE OF THE CITY ATTORNEY – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE A MEMORANDUM OF AGREEMENT FOR AN ADDITIONAL ATTORNEY AND RELATED CLERICAL SUPPORT – DOCUMENT NO. HD-7230.

Communication from Dominic Holzhaus, Principal Deputy City Attorney, dated October 2, 2007, requesting approval of a Memorandum of Agreement with The Office of the City Attorney to reimburse the General Fund for the fully-loaded cost of an additional attorney and related clerical support, was presented to the Board.

In response to a request by Commissioner Walter, Mr. Holzhaus reviewed the item and discussed the need for an additional attorney.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the communication be received and filed and that the Executive Director be authorized to sign the Memorandum of Agreement with the Office of the City Attorney. Carried by the following vote:

AYES:	Commrs:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla

REGULAR AGENDA

17. PORT OF LONG BEACH TARIFF NO. 4 – ITEM 262 – EXTEND THE GREEN FLAG INCENTIVE PROGRAM – ORDINANCE HD-1994 - ADOPTED.

Ordinance entitled, “AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. HD-1357, DESIGNATED EXHIBIT A TARIFF NO. 4 BY AMENDING ITEM NO. 262,” was presented to the Board for its second and final reading.



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

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

**NEW BUSINESS.**

Ms. Morris gave a presentation on the upcoming Green Port Fest scheduled for Saturday, October 13, 2007, from 9 a.m. until 3 p.m.

Mr. Sam Joumbat announced that the Port had received, for the 24<sup>th</sup> year, the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Offices Association for our Comprehensive Annual Financial Report for fiscal year ending September 30, 2006.

Mr. Richard Steinke gave a report on the recent American Association of Port Authority Conference and stated the Port had received numerous awards and honorable mentions for our website, videos, and outstanding contributions in creative communication, and Award of Merits for special events, promotional literature, periodicals, and awards for 2007 Communications Awards Program of Excellence for overall campaign, and the 2007 Environmental Improvement Award, joint with the Port of Los Angeles, for comprehensive environmental management.

Commissioner Walter acknowledged the letter from Councilmember Tonia Reyes Uranga, which thanked the Commissioners and staff for holding their Board meeting of September 24, 2007, off site at Elizabeth Hudson Elementary School.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS.**

Mr. James Oda addressed the Board and spoke regarding the retrofit for trucks and the Clean Truck Program.

**CLOSED SESSION.**

At 3:25 p.m., President Cordero recessed the Board meeting to hold a closed session:

**CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case) related to the letter dated September 26, 2007, from the Pacific Merchant Shipping Association and National Industrial Transportation League to the Federal Maritime Commission regarding Clean Truck Program.

At 4:50 p.m., the meeting was again called to order by President Cordero to consider Item 15.

15. FIRST AMENDMENT TO AGREEMENT WITH THE CITY OF LOS ANGELES, THE CITY OF LONG BEACH, AND KAY SCHOLER, LLP FOR LEGAL SERVICES – APPROVED.

Communication from Dominic Holzhaus, Principal Deputy City Attorney, dated October 2, 2007, requesting approval of a First Amendment to the Agreement with Kaye Scholer, LLP, for legal services related to the Clean Air Action Plan.

Commissioner Sramek moved, seconded by Commissioner Topsy-Elvord that the First Amendment be approved and that the Executive Director be authorized to sign the Amendment. Carried by the following vote:

AYES:	Commrs:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla

ADJOURNED.

At 4:55 p.m., Commissioner Sramek moved, seconded by Commissioner Walter that the meeting be adjourned sine die. Carried by the following vote:

AYES:	Commrs:	Sramek, Topsy-Elvord, Walter, Cordero
NOES:	“	None
ABSENT:	“	Hankla