

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, JANUARY 9, 2006, AT 1 P.M.

Present: Commissioners: Walter, Hancock, Cordero, Hankla, Topsy-Elvord  
Absent: " None

Also present:

R. D. Steinke	Executive Director
G. Knatz	Managing 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
H. C. Morris	Director of Communications
M. J. Slavin	Chief Financial Officer
D. L. Albrecht	Director of Information Management
R. Rich	Director of Maintenance
R. G. Kanter	Director of Planning
K. J. McDermott	Director of Properties
C. Perrone	Director of Security
D. B. Snyder	Director of Trade & Maritime Services
C. A. Kemp	Director of Community Relations
D. T. Holzhaus	Principal Deputy City Attorney

PRESIDENT TOPSY-ELVORD PRESIDED AS CHAIRPERSON.

APPROVAL OF MINUTES.

Upon motion by Commissioner Cordero, seconded by Commissioner Hancock and unanimously carried, the minutes of the regular meeting of December 19, 2005, were declared read and approved as read.

PUBLIC COMMENTS.

Mr. Larry Henderson from IBEW Local 11 addressed the Board and encouraged the Board to consider using project labor agreements on new projects.

CONSENT CALENDAR – ITEMS NOS. 1-12.

Item No. 11 was removed from Consent Calendar for discussion.

1. OIL OPERATORS, INC. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE RIGHT OF ENTRY AGREEMENT FOR PROPERTY NORTH OF PIER B STREET - DOCUMENT NO. HD-7009.

Communication from Kathryn McDermott, Director of Properties, dated January 3, 2006, recommending authorization of the Right of Entry Agreement with Oil Operators, Inc., for property north of Pier B Street, was presented to the Board. The request was approved by the Executive Director.

2. AERA ENERGY, LLC – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO RIGHT OF ENTRY AGREEMENT FOR THE TEMPORARY WASTE WATER PIPELINE ON PIER D - DOCUMENT NO. HD-6883A.

Communication from Kathryn McDermott, Director of Properties, dated January 3, 2006, recommending authorization of the First Amendment to Right of Entry Agreement with Aera Energy, LLC, extending the term to December 31, 2006, for the temporary waste water pipeline on Pier D, was presented to the Board. The request was approved by the Executive Director.

3. D. J. AMOROSO CONSTRUCTION - ACCEPTANCE OF WORK UNDER SPECIFICATION NO. HD-S2210.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 4, 2006, advising that D. J. Amoroso Construction has satisfactorily completed, as of December 1, 2005, for the Pier C, Berths C60-C72, redevelopment as described in Specification No. HD-S2210 and recommending that said work be accepted as complete as of that date, was presented to the Board. The recommendation was approved by the Executive Director.

4. ABHE AND SVOBODA, INC. – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE, UPON SATISFACTION OF CERTAIN CONDITIONS BY CONTRACTOR, CONTRACT FOR THE ANAHEIM STREET BRIDGE GIRDER REPAIR UNDER SPECIFICATION NO. HD-S2268A - CITY ATTORNEY REQUESTED TO PREPARE CONTRACT – DOCUMENT NO. HD-7010 - RWO NO. 619C, SUPPLEMENT NO. 1 AND A PROJECT BUDGET – APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated January 4, 2006, requesting conditional authorization of a Contract with Abhe and Svoboda, Inc., for the Anaheim Street Bridge Girder Repair, under Specification No. HD-S2268A, in the amount of \$737,770, RWO No. 619C, Supplement No. 1, in the amount of \$890,000, and a project budget, was presented to the Board. The request was approved by the Executive Director.

5. P2S ENGINEERING, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR HARBOR PLAZA ROADWAY IMPROVEMENTS - CITY ATTORNEY REQUESTED TO PREPARE CONTRACT - DOCUMENT NO. HD-7011 - CWO NO. 1290, SUPPLEMENT NO. 1 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 4, 2006, recommending authorization of a Contract with P2S Engineering, Inc., for Harbor Plaza roadway improvements, in the amount of \$60,000, and approval of CWO No. 1290, Supplement No. 1, in the amount of \$275,000, was presented to the Board. The recommendation was approved by the Executive Director.

6. KPFF CONSULTING ENGINEERS - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO CONTRACT FOR THE PIER T LIQUID BULK IMPORT TERMINAL - DOCUMENT NO. HD-6784A - CWO NO. 1262, SUPPLEMENT NO. 2 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 4, 2006, requesting approval of an amendment to Contract with KPFF Consulting Engineers, for the Pier T Liquid Bulk Import Terminal, extending the term of the contract through December 31, 2007, and CWO No. 1262, Supplement No. 2, in the amount of \$550,000, was presented to the Board. The request was approved by the Executive Director.

7. PERCEPTIVE ENTERPRISES, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIRST AMENDMENT TO CONTRACT FOR THE SMALL BUSINESS ENTERPRISE/VERY SMALL BUSINESS ENTERPRISE PROGRAM MANAGEMENT AND ADMINISTRATION - DOCUMENT NO. HD-6899A - EWO NO. 5067, SUPPLEMENT NO. 1 AND A REVISED PROJECT BUDGET - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated January 3, 2006, requesting approval of an amendment to Contract with Perceptive Enterprises, Inc., for the management and administration of the Small Business Enterprise/Very Small Business Enterprise Program, in the amount of \$236,733.60, incorporating a new rate schedule, extending the term to December 31, 2006, EWO No. 5067, Supplement No. 1, in the amount of \$256,733.60, and a revised project budget, was presented to the Board. The request was approved by the Executive Director.

8. MCKAY INTERNATIONAL ENGINEERS, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FIFTH AMENDMENT TO CONTRACT FOR THE PIER T MARINE TERMINAL - DOCUMENT NO. HD-6333E AND CWO NO. 1113, SUPPLEMENT NO. 75 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, dated January 4, 2006, requesting approval of an amendment to Contract with McKay International

Engineers, Inc., for crane consulting services for the Pier T Marine Terminal, in the amount of \$1,065,400, adjust the schedule of billing rates, extend the term to December 31, 2008, and CWO No. 1113, Supplement No. 75, in the amount of \$1,715,400, was presented to the Board. The request was approved by the Executive Director.

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

Communication from Robert Kanter, Director of Planning, dated January 4, 2006, requesting that the following Level I Harbor Development Permits be received and filed:

HDP #05-100	Arco Terminal Services Corporation – Pipeline Installation
HDP #05-111	Trans Ocean Carrier, Inc. – Bumper Post Installation
EMA #05-113	Arco Terminal Services Corporation – Emergency Pipeline Repair
HDP #05-114	Tidelands Oil Production Company – Fire Monitoring System Installation
HDP #05-116	G-P Gypsum Corporation – Roof Repairs and ADA Upgrades
HDP #05-117	Weyerhaeuser Company – Grounding Rod Installation
HDP #05-118	Port of Long Beach – Wind Indicator Installation
HDP #05-122	Caltrans - I-710 Pavement Improvements
HDP #05-123	Metropolitan Stevedore Company – Fire Monitoring System Installation
HDP #05-124	U.S. Sea Launch – Interior Building Modifications

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

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

Communication from Michael J. Slavin, Chief Financial Officer, dated January 4, 2006, submitting the following Fund Transfer Journals received from the Department of Financial Management:

<u>AMOUNT</u>	<u>DESCRIPTION</u>
103,614.92	Employee Benefits and Insurance Funds – Worker's Compensation for January 2006
123,294.92	Employee Benefits Fund – Pension obligation bonds for January 2006
175,515.33	General Fund – transfer of the January 2006 estimated City general administration costs
9,811.75	General Fund – adjustment for additional cost of indirect overhead for prior year – January 2006
273,423.00	Police Department – Police services for November 2005
89,667.43	Gas, Water, and Sewer for November 2005
1,042.25	Reprographics for December 2005
11,058.33	Technical Systems – financial information system for January 2006
4,895.00	Planning and Building Permits for November 2005
696.00	Fingerprinting for September and October 2005
577.51	Duplication charges for Pulse of the Port
115.93	Energy Department – CNG consumption for November 2005

was presented to the Board. The Fund Transfer Journals were approved by the Executive Director.

**12. JOE A. GONSALVES AND SON - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE CONTRACT FOR SACRAMENTO REPRESENTATION SERVICES - DOCUMENT NO. HD-7012.**

Communication from Carl A. Kemp, Director of Community Relations and Government Affairs, dated January 3, 2006, recommending authorization of a Contract with Joe A. Gonsalves and Son, for Sacramento representation services, for the period of October 1, 2005, through September 30, 2006, and in an amount not-to-exceed \$77,400, was presented to the Board. The recommendation was approved by the Executive Director.

Commissioner Hancock moved, seconded by Commissioner Cordero that the communications be received and filed and that Items Nos. 1-10 and 12 be approved as recommended. Carried by the following vote:

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

11. CAROLYN HILL – APPOINTMENT.

Communication from Toni K. Whitesell, Director of Administration, dated January 3, 2006, requesting approval of the appointment of Carolyn Hill, to the position of Secretary, at Range/Step 410/07, effective January 14, 2006, was presented to the Board. The request was approved by the Executive Director.

Dr. Walter stated he had worked with Ms. Hill at the Water Department and she is an excellent employee.

Commissioner Walter moved, seconded by Commissioner Hankla that the communication be received and filed and that Carolyn Hill be appointed to the position of Secretary. Carried by the following vote:

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

REGULAR AGENDA.

13. DISCUSSION OF RECENT ADOPTION OF THE CALIFORNIA AIR RESOURCES BOARD RULES TO REDUCE EMISSIONS FROM PORT RELATED ACTIVITIES.

Communication from Robert Kanter, Director of Planning, dated January 4, 2006, transmitting for discussion and a recommendation the recent adoption of the California Air Resources Board rules to reduce emissions from Port related activities, was presented to the Board. The communication was approved by the Executive Director.

Dr. Kanter reviewed the two rules to reduce emissions from Port related sources, which were recently adopted by the California Air Resources Board.

Commissioner Hankla stated he personally applauds what CARB has done here and now they need to tackle the truck and the school bus issues.

Commissioner Walter commented that he liked the idea that we are working together with the various organizations on the issues of pollution.

In response to a question by Commissioner Walter, Dr. Kanter stated the data could be converted into what percentage of the total pie is out there and what the reductions translate into.

Mr. Don May addressed the Board and stated that one of the answers to those questions are in the Mates 2 and the upcoming Mates 3 reports, prepared by the AQMD, but the problem is that the data is based on the year 2000.

Commissioner Hankla suggested a good measure for us to follow would be an emissions per ton on cargo handled.

Commissioner Cordero stated he supports the CARB regulations and he wanted to point out that staff was involved in working with these proposed regulations. Additionally, he stated he would like to emphasize the fact that the issue of on-road truck emissions has to be dealt with.

Commissioner Cordero stated he had received a letter from Mr. Larry Jackson from Long Beach Transit detailing what has been done with the alternative fuel buses and he suggested staff invite Long Beach Transit to make a presentation to the Board.

Commissioner Hankla moved, seconded by Commissioner Hancock that the communication transmitted therewith be received and filed, and that the recent adoption of the California Air Resources Board rules to reduce emissions be supported. Carried by the following vote:

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

**14. PORT OF LOS ANGELES - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE MEMORANDUM OF AGREEMENT CALLING FOR COOPERATION BETWEEN THE PORTS' AMBIENT AIR QUALITY MONITORING PROGRAMS - DOCUMENT NO. HD-7013.**

Communication from Robert Kanter, Director of Planning, dated December 27, 2005, requesting approval of a Memorandum of Agreement with the Port of Los Angeles for cooperation on air quality monitoring programs in the San Pedro Bay, was presented to the Board. The request was approved by the Executive Director.

Dr. Kanter reviewed the item and stated there are a few communication differences between the Ports on the coordination regulatory agencies, which did not appear in their version. He requested the Board approve the MOA, subject to the understanding that the communication differences would be worked out.

Mr. Holzhaus, Principal Deputy City Attorney, concurred with Dr. Kanter and he recommended the Board approve, in concept, the Memorandum of Agreement with the Port of Los Angeles.

Mr. Don May addressed the Board and stated he is in support of the Ports working together.

Commissioner Hankla moved, seconded by Commissioner Hancock that the communication be received and filed, that said Memorandum of Agreement with the Port of Los Angeles be approved, in concept, and that the Executive Director be authorized to execute the Memorandum of Agreement. Carried by the following vote:

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

NEW BUSINESS.

Ms. Whitesell introduced Ms. Cynthia Stafford, Assistant Director of Administration.

President Topsy-Elvord welcomed Ms. Stafford.

Mr. Hein announced that the next Board meeting would be at 1 p.m., on Tuesday, January 17, 2006, due to the holiday.

President Topsy-Elvord reminded staff to prepare an update on the Emergency Preparedness Plan.

President Topsy-Elvord stated Dr. Walter is the Executive Assistant to the President of California State University Long Beach and she asked him to comment on the new incoming President, Mr. F. King Alexander.

Dr. Walter stated he felt Chancellor Reed had done an excellent job picking a fine President and he will continue to support Mr. Alexander as the Executive Assistant to the President. Additionally, he stated this is a great opportunity for Mr. Alexander and that he will contribute many years to the university.

CLOSED SESSION.

At 3:15 p.m., President Topsy-Elvord recessed the Board meeting to hold a closed session.



A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Closed session pursuant to Section 54956.8 of the Government Code for a conference with real property negotiators regarding a requested modification of the term of the May 8, 2003, letter of intent for the proposed liquefied gas terminal on Terminal Island between City and Sound Energy Solutions. The Port's negotiator is Richard Steinke.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one case).

At 3:55 p.m., the meeting was again called to order by President Topsy-Elvord.

ADJOURNED.

At 3:56 p.m., Commissioner Walter moved, seconded by Commissioner Cordero that the meeting be adjourned sine die. Carried by the following vote:

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