

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, AUGUST 30, 2004, AT 9 A.M.

|          |                |  |
|----------|----------------|--|
| Present: | Commissioners: | Hancock, Cordero, Hankla, Topsy-Elvord,<br>Calhoun |
| Absent:  | "              | None   |

Also present:

|                 |                                    |
|-----------------|------------------------------------|
| R. D. Steinke   | Executive Director                 |
| G. Knatz        | Managing Director                  |
| S. B. Rubin     | Managing Director                  |
| G. T. Hein      | Executive Secretary                |
| A. J. Moro      | Assistant Chief Harbor Engineer    |
| D. L. Blazis    | Risk Management Assistant          |
| Y. R. Smith     | Director of Communications         |
| M. J. Slavin    | Director of Finance                |
| D. L. Albrecht  | Director of Information Management |
| K. D. Allen     | Director of Maintenance            |
| T. D. Johnson   | Assistant Director of Planning     |
| K. J. Adamowicz | Manager of Leasing Sales           |
| W. C. Ellis     | Interim Director of Security       |
| J. A. Morgan    | Manager of Maritime Services       |
| D. T. Holzhaus  | Principal Deputy City Attorney     |

PRESIDENT CALHOUN PRESIDED AS CHAIRMAN.

APPROVAL OF MINUTES.

Upon motion by Commissioner Topsy-Elvord, seconded by Commissioner Hankla and unanimously carried, the minutes of the regular meeting of August 23, 2004, were declared read and approved as read.

CONSENT CALENDAR – ITEMS NOS. 1-11.

Items Nos. 10 and 11 were removed from Consent Calendar for discussion.

1. CWO NO. 1203 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, submitting the following project for closing action:

|              |  | <u>BHC Approval</u> | <u>Expenditures</u> |
|--------------|--|---------------------|---------------------|
| CWO No. 1203 | Pier T, Berths T116-T127<br>Sanitary Sewer | \$ 977,000          | \$ 906,925          |

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Executive Director.

2. CWO NO. 1229 - EXPENDITURES APPROVED AND PROJECT CLOSED TO ALL FUTURE CHARGES.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, submitting the following project for closing action:

|              |  | <u>BHC Approval</u> | <u>Expenditures</u> |
|--------------|--|---------------------|---------------------|
| CWO No. 1229 | Pier A, Storm Drain Pump<br>Station #28 Improvements | \$ 329,730          | \$ 344,010          |

and requesting that the expenditures made to said project be approved and that it be closed to all future charges, was presented to the Board. The request was approved by the Executive Director.

3. KLEINFELDER, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOURTH AMENDMENT TO CONTRACT FOR PIER G TERMINAL REDEVELOPMENT – DOCUMENT NO. HD-6326D.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, requesting approval of an amendment to Contract with Kleinfelder, Inc., for the Pier G terminal redevelopment, for an adjustment of the contract hourly fee schedule, effective September 1, 2004, was presented to the Board. The request was approved by the Executive Director.

4. MOFFATT AND NICHOL - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOURTH AMENDMENT TO CONTRACT FOR PIER G TERMINAL REDEVELOPMENT – DOCUMENT NO. HD-6478D.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, requesting approval of an amendment to Contract with Moffatt and Nichol for the Pier G terminal redevelopment, extending the contract term to June 30, 2008, was presented to the Board. The request was approved by the Executive Director.

5. BATTLE MEMORIAL INSTITUTE - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOUR TASK ORDERS TO MASTER AGREEMENT FOR RADIATION PORTAL MONITORS - DOCUMENT NO. HD-6806A – RWO NO. 625B, SUPPLEMENT NO. 1 - APPROVED.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, requesting approval of four task orders to Master Agreement with Battelle Memorial Institute for installation of the Radiation Portal Monitor system, and RWO No. 625B, Supplement No. 1, in the amount of \$500,000, was presented to the Board. The recommendation was approved by the Executive Director.

6. BRITISH PETROLEUM WEST COAST PRODUCTS – EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE MEMORANDUM OF UNDERSTANDING FOR A JOINT COLD-IRONING PROJECT – DOCUMENT NO. HD-6850 - CWO NO. 1253, SUPPLEMENT NO. 1 - APPROVED

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, recommending authorization of a Memorandum of Understanding with British Petroleum West Coast Products for a joint cold-ironing project at Pier T and CWO No. 1253, Supplement No. 1, in the amount of \$100,000, was presented to the Board. The recommendation was approved by the Executive Director.

7. SPECIFICATION NO. HD-S2267 - APPROVED AND NOTICE INVITING BIDS AUTHORIZED – CAMERA AND VEHICLE DETECTION SYSTEM AT PIER T.

Communication from D. A. Thiessen, Chief Harbor Engineer, by A. J. Moro, dated August 25, 2004, submitting Specification No. HD-S2267 for camera and vehicle detection system on Pier T at Reeves Avenue and requesting authority to advertise for bids for said work, was presented to the Board. The request was approved by the Executive Director.

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

Communication from Michael J. Slavin, Director of Finance, dated August 24, 2004, submitting the following Fund Transfer Journals received from the Department of Financial Management:

| <u>AMOUNT</u>  | <u>DESCRIPTION</u>  |
|----------------|---|
| \$1,247,298.00 | Fire Department – Fire boats for July and August 2004<br>Fire Department – Fire stations for July and August 2004 |
| 89,892.00      | Police Department – Police services for July 2004   |

|           |  |
|-----------|--|
| 51,667.00 | Information Services Bureau – Data processing operations and maintenance for July 2004                   |
| 848.17    | Public Works Department – Maintenance of streetlights for July 2004                                      |
| 13,589.50 | Public Works Department – Maintenance of traffic signals for 3 <sup>rd</sup> quarter of fiscal year 2004 |
| 2,598.63  | Health Department – Vector control & laboratory charges for July 2004                                    |
| 1,887.82  | Reprographics for July 2004  |
| 80,302.42 | Planning and Building Permits for July 2004  |
| 2,389.09  | Utility user's tax billed for July 2004  |

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

**9. FINANCIAL STATEMENTS FOR THE LONG BEACH HARBOR DEPARTMENT FOR THE MONTH ENDED JULY 31, 2004 – RECEIVED AND FILED.**

Communication from Michael J. Slavin, Director of Finance, dated August 23, 2004, transmitting financial statements for the Long Beach Harbor Department for the month ended July 31, 2004, was presented to the Board. The financial statements were approved by the Executive Director.

Commissioner Hancock moved, seconded by Commissioner Topsy-Elvord that the communications be received and filed and that Items Nos. 1-9 be approved as recommended. Carried by the following vote:

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

**10. VERIZON CALIFORNIA, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOURTH AMENDMENT TO CONTRACT FOR LOCAL DIAL TONE SERVICES – DOCUMENT NO. HD-6184D.**

Communication from Toni K. Whitesell, Director of Administration, dated August 24, 2004, requesting approval of an amendment to Contract with Verizon

California, Inc., for local dial tone services, extending the contract for a term of three years with options for two additional terms of one year each, was presented and read to the Board. The request was approved by the Executive Director.

In response to questions by President Calhoun, Mr. Rubin stated it was his understanding that the City Council did approve the Contract and Verizon is in the process of reviewing and signing the Contract and he confirmed that there is no charge for local rates.

In response to a question by President Calhoun, Mr. Holzhaus reviewed the termination clause and stated he would review the final contractual agreement.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the communication be received and filed and that the Executive Director be authorized to execute the amendment to Contract with Verizon California, Inc. Carried by the following vote:

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

11. LONG BEACH AQUARIUM OF THE PACIFIC – CONTRACT FOR FUNDS FOR THE PLANNING/DESIGN CONCEPTION OF A PROPOSED SAN PEDRO BAY EXHIBIT – DOCUMENT NO. HD-6851.

Communication from Gustav T. Hein, Executive Secretary, dated August 24, 2004, requesting approval of a Contract for funds in the amount of \$200,000, over a 2-year period as matching funds are achieved for the planning/design conception of a proposed San Pedro Bay Exhibit at the Long Beach Aquarium of the Pacific, was presented to the Board. The recommendation was approved by the Executive Director.

In response to a question by President Calhoun, Mr. Hein confirmed that the funds are for the planning/design conception of a proposed San Pedro Bay Exhibit.

Ms. Barbara Long from the Long Beach Aquarium of the Pacific addressed the Board and stated the Aquarium is planning for the first allotment of money to cover the conceptual and schematic designs and, once those funds are achieved, then a fund raising package will be developed to raise the additional money needed and to begin raising money for the exhibit.

Commissioner Hancock moved, seconded by Commissioner Cordero that the communication be received and filed and that the Executive Director be authorized to

execute said contract with the Long Beach Aquarium of the Pacific. Carried by the following votes:

|         |        |  |
|---------|--------|--|
| AYES:   | Comms: | Hancock, Cordero, Hankla, Topsy-Elvord,<br>Calhoun |
| NOES:   | "      | None   |
| ABSENT: | "      | None   |

REGULAR AGENDA.

**12. MCC TERMINAL, INC. - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE FOURTH AMENDMENT TO LEASE FOR PROPERTY AT PIER F – FIRST READING OF ORDINANCE.**

Communication from Kathryn McDermott, Director of Properties, dated August 24, 2004, recommending approval of the Fourth Amendment to Lease with MCC Terminal, Inc., for property for cement terminal operations at Pier F, Berth 208, was presented to the Board together with the authorizing ordinance therefore. The recommendation was approved by the Executive Director.

Commissioner Topsy-Elvord moved, seconded by Commissioner Hancock that the communication be received and filed and that the ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH DIRECTING THE EXECUTIVE DIRECTOR TO EXECUTE A FOURTH AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS AND MCC TERMINAL, INC., TO MODIFY THE COMPENSATION AND INSURANCE REQUIREMENTS UNDER THE LEASE FOR THE FIVE-YEAR PERIOD COMMENCING JUNE 14, 2004, AND MAKE A DETERMINATION RELATING THERETO," be declared read for the first time and laid over for its second and final reading. Carried by the following vote:

|         |        |  |
|---------|--------|--|
| AYES:   | Comms: | Hancock, Cordero, Hankla, Topsy-Elvord,<br>Calhoun |
| NOES:   | "      | None   |
| ABSENT: | "      | None   |

**13. SOUTHERN CALIFORNIA EDISON COMPANY - EXECUTIVE DIRECTOR AUTHORIZED TO EXECUTE SEVENTH AMENDMENT TO LEASE FOR ELECTRICAL SUBSTATION SITES – DOCUMENT NO. HD-6852 - ORDINANCE NO. HD-1920 - ADOPTED.**

Ordinance entitled, "AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SEVENTH AMENDMENT TO LEASE BETWEEN THE CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, AND SOUTHERN CALIFORNIA EDISON COMPANY FOR THE USE OF CERTAIN PREMISES IN THE HARBOR DISTRICT,

AND MAKING A DETERMINATION RELATING THERETO," was presented to the Board for its second and final reading.

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

|         |         |   |
|---------|---------|---|
| AYES:   | Commrs: | Hancock,Cordero,Hankla,Topsy-Elvord,<br>Calhoun |
| NOES:   | "       | None  |
| ABSENT: | "       | None  |

CLOSED SESSION.

At 10:05 a.m., President Calhoun recessed the Board meeting to hold a closed session pursuant to Section 54957(b) of the Government Code to evaluate the performance of the Executive Secretary.

At 10:55 a.m., the meeting was again called to order by President Calhoun.

ADJOURNED.

At 11:00 a.m., Commissioner Cordero moved, seconded by Commissioner Hancock that the meeting be adjourned sine die. Carried by the following vote:

|         |         |   |
|---------|---------|---|
| AYES:   | Commrs: | Hancock,Cordero,Hankla,Topsy-Elvord,<br>Calhoun |
| NOES:   | "       | None  |
| ABSENT: | "       | None  |