

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JULY 17, 2008, AT 8:30 A.M.  
BANNING'S LANDING COMMUNITY CENTER  
100 E. WATER STREET  
WILMINGTON, CA 90744**

**BOARD OF HARBOR COMMISSIONERS  
President S. David Freeman  
Vice President Jerilyn López Mendoza  
Commissioner Kaylynn L. Kim  
Commissioner Douglas P. Krause  
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS  
OF THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD  
IN CONNECTION WITH ANY AGENDA ITEM OR DURING  
THE PUBLIC COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS  
LIMITED EACH INDIVIDUAL'S SPEAKING TIME TO THREE  
MINUTES. ANYONE DESIRING TO SPEAK DURING THE  
PUBLIC COMMENT PERIOD IS REQUESTED TO COMPLETE  
A SPEAKER CARD AND SUBMIT IT TO THE COMMISSION  
SECRETARY, VIA THE SERGEANT AT ARMS, PRIOR TO THE  
START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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**B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**C. REPORT OF THE EXECUTIVE DIRECTOR**

**D. REPORTS OF COMMISSIONERS**

**E. PRESENTATIONS**

- 1. Youth Sailing Program  
David Mathewson, Director of Planning & Research**
- 2. APM Terminal, Jim Flanagan**
- 3. 2006 Emissions Inventory**

**F. BOARD COMMITTEE REPORTS**

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**G. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1-5)**

**Environmental Management**

1. Re: ORDER NO. \_\_\_\_\_ - CLEAN AIR ACTION PLAN – AMENDMENT TO MARINE FUEL INCENTIVE PROGRAM FOR OCEAN-GOING VESSEL MAIN ENGINE FUEL SWITCHING; ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 20 – GENERAL RULE AND REGULATIONS – VESSELS

***SUMMARY:** On March 24, 2008, the Board of Harbor Commissioners approved the Marine Fuel Incentive Program for Ocean-Going Vessel Main Engine Fuel Switching, a program for accelerated implementation of ocean-going vessel (OGV) emission reductions under the San Pedro Bay Ports Clean Air Action Plan (CAAP) through the use of low sulfur marine fuel. This proposed action is to amend the definition of Low Sulfur Marine Fuel in the adopted tariff to include Marine Diesel Oil (MDO) with a sulfur content of no more than 0.2 percent by weight.*

**Recommendation:** Board resolve that (1) the Order to amend items 2050 and 2055 in Section Twenty, Clean Air Action Plan – General Rules and Regulations, of the Port of Los Angeles Tariff No. 4 be adopted; (2) the Board Secretary be authorized to certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b); (3) the Board Secretary be directed to transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); and (4) the Board Secretary be authorized to execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

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**Marketing**

2. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED FOREIGN-TRADE ZONE DEVELOPER AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND REDLANDS BUSINESS CENTER, LLC, SITE 22

***SUMMARY: In May 2004, the Foreign-Trade Zone (FTZ) Board designated approximately 227 acres of undeveloped land located in Redlands, California owned by Bixby Land Company (BLC), as FTZ 202, Site 22. BLC sold 84 acres of this site to a new joint venture named Redlands Business Center, LLC (RBC). The Port, as the grantee, is required by the FTZ Board to have a Developer Agreement with a new land owner. In February 2008, the Port received a request from the RBC to enter into an FTZ Developer Agreement for the 84 acres it purchased. The proposed FTZ Developer Agreement is for a five-year term with three five-year renewal options.***

**Recommendation: Board resolve that (1) the Developer Agreement between the City of Los Angeles and Redlands Business Center, LLC, Site 22 be approved; (2) the Board Secretary be directed to transmit the proposed FTZ Developer Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) the Executive Director and the Board Secretary be authorized to execute and attest to the proposed FTZ Developer Agreement upon approval by the City Council; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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3. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CALIFORNIA CARTAGE COMPANY LLC, SITE 1A

***SUMMARY: The Port of Los Angeles (Port), as the Foreign-Trade Zone (FTZ) grantee, establishes operating agreements with FTZ operators to enable the Port to oversee their FTZ operations. The Port received a request from California Cartage LLC based in the Classification Yard in Wilmington, California to continue FTZ operations under FTZ 202 Site 1A, pursuant to FTZ Operating Agreement No. 1824. The Agreement became effective on April 30, 1998, and expired on April 30, 2008. This site includes approximately 600,000 square feet of warehouse and office space on 84 acres. California Cartage will be operating their warehouses under FTZ operation rules and the Operating Agreement will provide a term of one year with a one-year renewal option.***

**Recommendation: Board resolve that (1) the subject FTZ Operating Agreement between the City of Los Angeles and California Cartage, LLC be approved; (2) the Board Secretary be directed to transmit the proposed FTZ Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) the Executive Director and Board Secretary be authorized to execute and attest to the proposed FTZ Operating Agreement upon approval by the City Council; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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**Real Estate**

4. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED AGREEMENT WITH LUNCHSTOP, INC., TO OPERATE THE HARBOR ADMINISTRATION BUILDING CAFETERIA AND PROVIDE COFFEE SERVICE

***SUMMARY: The proposed action requests Board approval of a three-year Agreement with LunchStop, Inc. (LunchStop). LunchStop was selected through the Request for Proposal (RFP) process to operate the Harbor Administration Building (HAB) cafeteria and to provide coffee service to all Port of Los Angeles (Port) facilities. The proposed Agreement commencement date will begin after the cafeteria construction is completed and all required permits have been granted to operate this facility. The expected effective date of this Agreement is August 2008.***

**Recommendation: Resolve that (1) the Board find that, in accordance with City Charter Section 1022, work under the subject Agreement (operation of cafeteria and coffee service) can be performed more feasibly by independent contractors than by City employees; (2) the proposed Agreement with LunchStop for cafeteria operation at the HAB and coffee service for Port facilities in an amount not to exceed \$418,800 over the three-year period be approved; (3) the Executive Director and Board Secretary be authorized to execute and attest to the proposed Agreement with LunchStop; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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**Wharfinger**

5. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND JAMES K. WALLACE FOR INSPECTION AND SURVEY SERVICES FOR RECREATIONAL VESSELS

***SUMMARY: The Port will be implementing Tariff Section 22 "Vessels Berthed in Recreational Marinas." This section establishes rules and regulations for recreational boat owners berthing vessels in the marinas and yacht clubs of the Port of Los Angeles. The tariff also includes specific requirements for approximately 290 marina-authorized liveaboards. In order to comply with the proposed tariff, a liveaboard must be the legal owner of the vessel, have written authorization from the marina operator, and the vessel must be inspected annually for compliance with all applicable U.S. Coast Guard (USCG), federal and state regulations.***

***James K. Wallace, a contractor known within the local boating community for his professionalism and discretion, also possesses the knowledge and expertise necessary to conduct annual inspections of liveaboard vessels.***

***Since June 2007, the Port has removed approximately 150 derelict and/or abandoned vessels from Los Angeles Harbor waters through the Vessel Disposal Program. The proposed Agreement includes funding in the amount of \$200,000 for the contractor to conduct liveaboard vessel inspections and provide assessment reports for the removal of the remaining 30 vessels requiring disposal as well as funding for future vessels tendered by the marina operators or boat owners from the marinas.***

***The proposed Agreement is for a three-year term.***

**Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject Agreement (providing assessment reports and conducting liveaboard vessel inspections ) can be performed more feasibly by an independent contractor than by City Employees; (2) the Agreement with James K. Wallace, for a three-year term and a not-to-exceed amount of \$200,000 be approved; (3) the Executive Director and Board Secretary be authorized to execute and attest to the proposed Agreement; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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**Regular Items (6-7)**

**Clean Truck Program**

6. Re: RESOLUTION NO. \_\_\_\_\_ - CLEAN TRUCK PROGRAM ADMINISTRATOR CONTRACT WITH TETRA TECH, INC.

***SUMMARY: The Clean Truck Program (CTP) is a key component of the San Pedro Bay Ports Clean Air Action Plan (CAAP). Several important program administrative activities are already underway as part of initial CTP implementation leading up to commencement of the truck bans, truck fees and concessions, all of which will begin on October 1, 2008. These activities include development of a concession application, development of a grant application for truck replacement, design and development of a system for registration of drayage trucks, and overall coordination with members of the trucking community to assure a smooth transition to the concession-based drayage program. Much of this activity has been undertaken by Port staff and a team of consultants during the initial transition period. However, recognizing that the CTP will require extensive resources and a comprehensive administrative program to provide ongoing complete administration of the CTP after implementation of the initial elements, the Ports conducted a search process to identify a qualified long-term concession and grant administrator. This action recommends approval of Tetra Tech, Inc. (Tetra Tech) as the long-term concession and grant administrator for the CTP.***

**Recommendation: Board resolve that (1) Tetra Tech, Inc. be approved as the Concession and Grant Administrator for the Port of Los Angeles Clean Truck Program; (2) the Executive Director be authorized to negotiate a Scope of Work and enter into an Agreement substantially in the form of Transmittal 2 with Tetra Tech, Inc.; (3) funding for this action be authorized in the amount of \$8,400,000 appropriated in Account No. 59965, Center No. 0210, Program No. 652; (4) the Executive Director and Board Secretary be authorized to execute and attest to the Agreement for and on behalf of the Board; and (5) Resolution No. \_\_\_\_\_ be adopted.**

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7. Re: RESOLUTION NO. \_\_\_\_\_ - AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE A COST SHARING AGREEMENT BETWEEN THE PORT OF LOS ANGELES AND PORT OF LONG BEACH FOR THE CLEAN AIR ACTION PLAN – CLEAN TRUCK PROGRAM "JUMPSTART" AND AUTHORIZE FUNDS FOR TIAX, LLC AND GLADSTEIN, NEANDROSS & ASSOCIATES, LLC

***SUMMARY: The Clean Truck Program (CTP) is a key component of the San Pedro Bay Ports Clean Air Action Plan (CAAP). Several important program administrative activities are already underway as part of initial CTP implementation leading up to commencement of the truck bans, truck fees and concessions, all of which will begin on October 1, 2008. These activities include development of a concession application, development of a grant application for truck replacement, design and development of a system for registration of drayage trucks, and overall outreach and coordination with members of the trucking community to assure a smooth transition to the Ports' concession-based drayage program.***

***The initial CTP activities have been handled by Port staff and a "Jumpstart" transition team of consultants. For this "Jumpstart" effort, the Ports initially asked Gateway Cities Council of Governments (GCCOG) to lead the team of consultants due to their expertise with Port trucking activities from their role as the Ports' grant administrator under the Port-sponsored GCCOG Truck Modernization Program. GCCOG relied primarily on two subcontractors, TIAX, LLC (TIAX), to provide the technical expertise for concession and grant application development, and Gladstein, Neandross & Associates, LLC (GNA), to provide outreach and strategic planning expertise. In May 2008, GCCOG chose to end its role as leader of the "Jumpstart" consultant team; as a result, the Ports maintained the "Jumpstart" activities within the CTP schedule by entering into contracts directly with TIAX and GNA. The actual contracting process was***

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**7. (Continued)**

*handled by the Port of Long Beach with these firms on behalf of both Ports, subject to a Cost Share Agreement with the Port of Los Angeles.*

*This action recommends approval of the Port of Los Angeles' share (i.e. one-half) of the "Jumpstart" activities contracted for by the Port of Long Beach, through a Cost Sharing Agreement governed by the Master Cost Sharing Agreement previously entered into between the Port of Los Angeles and the Port of Long Beach (Los Angeles Agreement No. 2546) to share cost of certain joint CAAP expenditures. The Port of Long Beach will continue to oversee payment and administer the "Jumpstart" contracts until a long-term concession and grant administrator is selected by the Ports in July 2008.*

**Recommendation:** Board resolve that (1) the specific Cost Sharing Agreement regarding the services of TIAX, LLC and Gladstein, Neandross & Associates, LLC, in support of the Clean Truck Program, between the Ports for and on behalf of the Board be approved (Transmittal 1); (2) the reimbursement of one-half of the total cost for services provided by TIAX, LLC (\$127,014) and Gladstein, Neandross & Associates, LLC (\$256,305) for a total amount not to exceed \$383,319 payable through the Port of Long Beach pursuant to the Ports' specific Cost Sharing Agreement be approved; (3) funding for this action be authorized in the amount of \$383,319 appropriated in Account No. 59965, Center No. 0210, Program No. 652; and (4) Resolution No. \_\_\_\_\_ be adopted.

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**H. DEPUTY EXECUTIVE DIRECTOR REPORT**

- 1. John Holmes  
Deputy Executive Director, Operations**

**I. CLOSED SESSION**

- 1. Discussion with legal counsel concerning significant exposure to litigation [two (2) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**