

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS**

**President Cindy Miscikowski  
Vice President David Arian  
Commissioner Kaylynn L. Kim  
Commissioner Robin M. Kramer  
Commissioner Douglas P. Krause**

**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).~~ Note: Board meetings cannot be heard via phone until further notice.

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.

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

- B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**
  
- C. EXECUTIVE DIRECTOR REMARKS**
  
- D. REPORTS OF THE COMMISSIONERS**
  
- E. BOARD COMMITTEE REPORTS**
  
- F. BOARD REPORTS OF THE EXECUTIVE DIRECTOR**

**CONSENT ITEMS (1 - 6)**

**Commission Office**

1. Re: RESOLUTION NO. \_\_\_\_\_ - APPOINTING COMMISSIONER  
ROBIN M. KRAMER TO THE ALAMEDA CORRIDOR  
TRANSPORTATION AUTHORITY  
***SUMMARY: The Board is being asked to adopt the subject Resolution  
appointing Commissioner Robin M. Kramer to the Governing  
Board of the Alameda Corridor Transportation Authority.***  
**Recommendation: Adoption of the subject Resolution.**

AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731

Information Technology

2. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH SIERRA CYBERNETICS, INC. FOR FINANCIAL SYSTEMS SUPPORT SERVICES

***SUMMARY:*** *The City of Los Angeles Harbor Department (Harbor Department) is requesting approval to enter into an agreement with Sierra Cybernetics, Inc. (Sierra) to provide programming support for the Harbor Department's mainframe-based financial information management systems. Sierra is headquartered in Orange County, California. Financial systems support includes the modification and administration of the financial software to meet internal and external business requirements. The recommendation to select Sierra is based on a competitive Request for Proposals (RFP) process performed by the Harbor Department. Sierra is a qualified small business enterprise (SBE); therefore, 100% of the funds for this agreement are dedicated to meeting the Harbor Department's SBE goals. The term of the proposed agreement is three (3) years at a not-to-exceed amount of \$550,000.*

**Recommendation:** Board resolve to (1) find that in accordance with the Los Angeles City Charter Section 1022, it is more feasible for outside contractors to perform this work than City employees; (2) approve the agreement with Sierra at an amount not-to-exceed \$550,000 for a three (3) year term (Transmittal 1); (3) authorize the Executive Director to execute the agreement and authorize the Board Secretary to attest to said agreement; and (4) adopt Resolution No. \_\_\_\_\_.

Real Estate

3. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED PERMIT NO. 873 WITH CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS FOR A STORM DRAIN RIGHT-OF-WAY

***SUMMARY:*** *City of Los Angeles Harbor Department (Harbor Department) Permit No. 566 with the City of Los Angeles (City) Board of Public Works (BPW) grants use of 7,258 square feet (s.f.) of subsurface right-of-way for the construction, operation, and maintenance of a storm drain and access manholes located west of Crescent Avenue in San Pedro. Permit No. 566 includes no rental fees, since the storm drain was built to serve Harbor Department property. Permit No. 566 has a 20-year term, which expired in April 2005, and is on holdover pending renewal.*

AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731

3. (Continued)

*Proposed Permit No. 873 with BPW to replace Permit No. 566 has a 30-year term, incorporates the same premises as Permit No. 566, and continues to include no rental fees (zero compensation), since the storm drain continues to serve Harbor Department property.*

**Recommendation:** Board resolve to (1) find that consistent with methodology employed in Agreement 1107 between the City and the Harbor Department to establish allocation of property costs for services provided by the City, that the storm drain right-of-way premises included in proposed Permit No. 873 is allocated 100 percent to the Harbor Department; (2) approve Permit No. 873 with BPW; (3) authorize the Executive Director to execute and the Board Secretary to attest to Permit No. 873; and (4) adopt Resolution No. \_\_\_\_\_.

4. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED PERMITS WITH SOUTHERN CAL SEAFOOD, INCORPORATED; LARRY GLEASON, DBA HARBOR ICE AND COLD STORAGE; DEL MAR SEAFOODS; AND TRI-MARINE FISH COMPANY, LLC, FOR FISH PROCESSING AT FISH HARBOR, TERMINAL ISLAND

**SUMMARY:** *The following fish processing tenants (Fish Harbor Tenants) operate wet fish processing operations within Fish Harbor on Terminal Island under various permits that have been on holdover since 2003 to 2007: Southern Cal Seafood, Incorporated (So Cal Seafood); Larry Gleason, d.b.a. Harbor Ice and Cold Storage (Harbor Ice); Del Mar Seafoods, Incorporated (Del Mar Seafoods); and Tri-Marine Fish Company, LLC (Tri-Marine).*

*It is recommended that the City of Los Angeles Harbor Department (Harbor Department) enter into new successor permits with these existing tenants. Under the proposed permits, tenants will be granted use of waterfront land in Fish Harbor to continue wet fish processing operations for a five-year term with three five-year options, with a maximum term of 20 years. The proposed permits will provide the Harbor Department maximum flexibility for future planned development in Fish Harbor, while providing the tenants an adequate term to plan for future business operations, including transferring operations to an alternate site if required.*

AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731

4. (Continued)

**Recommendation:** Board resolve to (1) approve the proposed Permit No. 889 with So Cal Seafood substantially as to form; (2) approve the proposed Permit No. 890 with Harbor Ice; (3) approve the proposed Permit No. 891 with Del Mar Seafoods substantially as to form; (4) approve the proposed Permit No. 892 with Tri-Marine substantially as to form; (5) direct the Board Secretary to transmit the proposed permits to City Council pursuant to Charter Section 606; (6) authorize the Executive Director to execute and the Board Secretary to attest to proposed Permit Nos. 889, 890, 891 and 892 upon approval by City Council; and (7) adopt Resolution No. \_\_\_\_\_.

5. Re: ORDER NO. \_\_\_\_\_ - PURCHASING AND SALE AGREEMENT CONCERNING THE PRIVATE SALE OF REAL PROPERTY LOCATED AT 223 AND 233 NORTH KING AVENUE IN WILMINGTON AND INTEREST IN THE ABUTTING ALLEY

***SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) owns unimproved, vacant property located at 223 and 233 North King Avenue in Wilmington and interest in the abutting alley (Transmittal No.1) totaling 18,140 square feet (Subject Property). In May 2010, the Board of Harbor Commissioners (Board) declared the Subject Property as surplus to the needs of the Harbor Department and authorized its sale.***

***The proposed Purchase and Sale Agreement provides for the private sale of the Subject Property "as-is" to State Fish Company, which owns the adjacent property, for a cost of \$355,000. The Purchase and Sale Agreement also includes a requirement that should State Fish elect to sell the Subject Property within three years from the close of escrow, it is required to first offer the property for sale to the Harbor Department at the acquisition price, escalated by the Consumer Price Index.***

***The Port Community Advisory Committee's Wilmington Waterfront Development Subcommittee has provided a letter of support concerning the sale of the Subject Property to State Fish Company (Transmittal No. 4).***

**Recommendation:** Board resolve to (1) find that the private sale of the Subject Property is in the best interest of the Harbor Department as: a) the Board has previously found that the property is not needed for Harbor Department purposes on May 20, 2010; and, b) no other bids or offers were received pursuant to surplus sale noticing requirements, as required under California Government Code Section 54220, the Los Angeles City Charter, and Los Angeles Administrative Code, Division 7, Article IV; (2) find that the public interest allows the private sale of the Subject Property to State Fish Company based on both: a) improved services to existing fishery-related tenants of the

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

5. (Continued)

Harbor Department; and b) the increase in permanent jobs and tax revenue to the City of Los Angeles, which would result from State Fish Company's use of the Subject Property in connection with the redevelopment of its existing facility; (3) approve the Purchase and Sale Agreement with State Fish Company authorizing the private sale of the Subject Property to State Fish Company for the estimated amount of \$355,000; the exact amount is subject to prorates incurred in escrow, per the terms of the Purchase and Sale Agreement; (4) direct the Board Secretary to transmit the Purchase and Sale Agreement to the Los Angeles City Council pursuant to Section 385 of the City Charter; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Purchase and Sale Agreement and Grant Deed upon approval by City Council; and (6) adopt Order No. \_\_\_\_\_.

**Goods Movement**

6. Re: RESOLUTION NO. \_\_\_\_\_ - GRANT AGREEMENT UNDER THE TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT 2010 FOR THE NATIONAL INFRASTRUCTURE INVESTMENTS DISCRETIONARY GRANT PROGRAM (TIGER II DISCRETIONARY GRANTS)

*SUMMARY: On October 19, 2010, the City of Los Angeles Harbor Department (Harbor Department or Port of Los Angeles) was awarded \$16 million in United States Department of Transportation (USDOT) TIGER II Discretionary Grants funds for the construction phase of the West Basin (Berth 200) Railyard project. To be able to obligate these funds, the Harbor Department is required to execute a funding agreement with the USDOT. The USDOT began development/negotiation of the funding agreement with the Harbor Department in mid-November. However, on December 15, the USDOT informed the Harbor Department that they need to execute the attached agreement by the end of 2010 or sooner.*

**Recommendation:** Board resolve to (1) ratify the approval of the Executive Director of the Grant Agreement under the Transportation, Housing and Urban Development and Related Agencies Appropriations Act 2010, for the National Infrastructure Investments Discretionary Grant Program (TIGER II Discretionary Grants); and (2) adopt Resolution No. \_\_\_\_\_.

AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731

REGULAR ITEMS (7 & 8)

Engineering

7. Re: RESOLUTION NO. \_\_\_\_\_ - FISCAL YEAR 2010/2011  
CAPITAL IMPROVEMENT BUDGET INCREASE

***SUMMARY:*** *The City of Los Angeles Harbor Department (Harbor Department) is proposing budgetary transfers in the amount of \$33,883,859 from the Unappropriated Balance to the Capital Improvement Program (CIP) Budget. Based on preliminary financial statements for the period ending October 31, 2010 for Fiscal Year (FY) 2011, as well as input from Harbor Department divisions, it is projected that budgetary transfers will be necessary to meet the Harbor Department's needs in the CIP accounts. In compliance with the Los Angeles City Charter Section 343(b), such budgetary transfers require the approval of the Board of Harbor Commissioners (Board) as well as the Mayor.*

**Recommendation:** Board resolve to (1) approve selected budgetary transfers from the Unappropriated Balance to resolve projected shortfalls in the respective capital accounts (Center 1000) as itemized in the board report; (2) direct the Board Secretary to transmit the Resolution to the Mayor for approval pursuant to Section 343(b) of the City Charter; (3) direct the Board Secretary to notify the City Clerk of such transfer pursuant to Section 343(d) of the City Charter at the time such transfer is made; and (4) adopt Resolution No. \_\_\_\_\_.

Planning and Economic Development

8. Re: RESOLUTION NO. \_\_\_\_\_ - ISSUANCE OF A LEVEL III  
COASTAL DEVELOPMENT PERMIT (NO. 10-09) FOR THE  
REPLACEMENT OF THREE CONTAINER CRANES AT THE  
EVERGREEN TERMINAL (BERTHS 226-231)

***SUMMARY:*** *Evergreen Shipping Agency (Evergreen) is proposing to replace three container cranes at their terminal at Berths 226-231. No change in cargo throughput is expected from the proposed project and the total number of cranes will remain unchanged. A Level III, non-appealable Coastal Development Permit (CDP) No. 10-09, is required for this project.*

**Recommendation:** Board resolve to (1) hold a public hearing for the proposed Level III, CDP No. 10-09; (2) find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (3) upon closure

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, JANUARY 6, 2011 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

8. (Continued)

of the public hearing, approve a Level III, non-appealable Coastal Development Permit for the replacement of three container cranes at the Evergreen container terminal, consistent with the project description listed on Application for Discretionary Project No. 100908-085, subject to the standard conditions as set forth in the permit, and direct the Director of Planning and Economic Development to issue said permit; and (4) adopt Resolution No. \_\_\_\_\_.

G. **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
(Subdivision (b) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 regarding subject matter of mediation with Gambol Industries, Inc.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Subdivision (a) of Government Code Section 54956.9)

American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Subdivision (a) of Government Code Section 54956.9)

The United States of America ex rel. State of California ex rel. Stanley D. Mosler v. City of Los Angeles, et al., United States District Court Case No. 02-02278-SJO

4. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
(Subdivision (c) of Government Code Section 54956.9)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: five cases.