

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, SEPTEMBER 4, 2008, 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 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. BOARD COMMITTEE REPORTS

F. PRESENTATIONS

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the special meeting of March 24, 2008 and regular meetings of June 5, 2008 and June 19, 2008 for approval.

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H. SPECIAL ORDER OF THE DAY

Public Hearing

1a. ISSUANCE OF A LEVEL III COASTAL DEVELOPMENT PERMIT (NO. 08-07) FOR THE TRAPAC TERMINAL EXPANSION PROJECT, BERTHS 136-147

Public hearing to receive comments pursuant to the California Coastal Act of 1976, as amended, and the Port of Los Angeles certified Port Master Plan (PMP); and to approve a Level III Coastal Development Permit for the TraPac Terminal Expansion Project, Berths 136-147.

I. REPORTS OF THE EXECUTIVE DIRECTOR

Regular Item

Planning & Research

1b. Re: RESOLUTION NO. _____ FOR THE ISSUANCE OF A LEVEL III COASTAL DEVELOPMENT PERMIT (NO. 08-07) FOR THE TRAPAC TERMINAL EXPANSION PROJECT, BERTHS 136-147

SUMMARY: The Los Angeles Harbor Department is proposing to expand and modernize the existing TraPac container terminal facilities at Berths 136-147. Staff is recommending that the Board of Harbor Commissioners approve a Level III, non-appealable Coastal Development Permit for the proposed project.

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1b. (Continued)

Recommendation: Resolve that (1) a public hearing for the proposed Level III Coastal Development Permit be held; (2) the Board find that the proposed project is consistent with the Port Master Plan and the California Coastal Act of 1976, as amended; and the Board find that the proposed project has no feasible alternatives or mitigation measures as provided in the California Environmental Quality Act (CEQA) that would substantially lessen significant adverse impacts; and that this Board certified the Berths 136-147 TraPac Container Terminal Project Environmental Impact Report, which included the adoption of a statement of overriding considerations; (3) upon closure of the public hearing, the issuance of a Level III non-appealable Coastal Development Permit (CDP No. 08-07) for the proposed expansion and modernization of the existing TraPac container terminal facilities at Berths 136-147, be approved and granted subject to the standard conditions set forth in the permit, and the Director of Planning and Research be directed to issue said permit; and (4) Resolution No. _____ be adopted.

Consent Items (2-9)

- 2. Re: RESOLUTION NO. _____ FOR THE APPROVAL OF CHANGES TO THE MEMBERSHIP OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE**
SUMMARY: As required by the Port of Los Angeles Community Advisory Committee's By-laws, the Board of Harbor Commissioners is being asked to approve changes in the PCAC membership for the Wilmington Neighborhood Council and the Non-International Longshore Warehouse Union Constituency.

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2. (Continued)

Recommendation: Board resolve that (1) Donna Ethington be approved as a Wilmington Neighborhood Council voting member, and Arthur Hernandez as the alternate member; (2) Tom Dahlgren be approved as a Wilmington Neighborhood Council voting member, and Marcus Perez as the alternate member; (3) John Schafer be approved as the Non-ILWU voting member to replace Gary Young; and (4) Resolution No. _____ be adopted.

Commission Office

- 3. Re: RESOLUTION NO. _____ APPROVING TRAVEL
FOR COMMISSION VICE PRESIDENT JERILYN LÓPEZ
MENDOZA TO TRAVEL ON PORT BUSINESS TO
GRANVILLE ISLAND, VANCOUVER, CANADA
SEPTEMBER 9 – 13, 2008**

Recommendation: Adoption of subject Resolution No. _____.

Real Estate

- 4. Re: RESOLUTION NO. _____ - PROPOSED FIRST
AMENDMENT TO USER AGREEMENT E-6412
BETWEEN ARCHDIOCESE OF LOS ANGELES
EDUCATION & WELFARE CORPORATION AND CITY
OF LOS ANGELES**

SUMMARY: The Los Angeles Harbor Department's Environmental Management Division has conducted monitoring for particulate and meteorological conditions in conjunction with the Harbor Department's Air Quality Monitoring Program at the Saint Peter and Paul School located at 706 Bayview Avenue in Wilmington since February 2005. User Agreement E-6412 by and between the Archdiocese of Los Angeles Education & Welfare Corporation and the Harbor Department grants the Harbor Department occupancy and use of the Premises in order to install, operate and monitor equipment used in conjunction with the Program. The Agreement will expire on September 13, 2008.

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4. (Continued)

The Harbor Department's Program is ongoing, and we are seeking to extend our occupancy and use of the Premises. The Archdiocese is proposing an amendment to extend the term of the Agreement for one year. All other terms and conditions of the Agreement remain the same. The Agreement amount is \$18,000 (\$1,500 per month) in rent payable to the Archdiocese for a term of one year.

Recommendation: Board resolve that (1) the proposed First Amendment to User Agreement E-6412 be approved; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the First Amendment to User Agreement E-6412; and (3) Resolution No. _____ be adopted.

Marketing Division

5. Re: RESOLUTION NO. _____ APPROVAL OF FOREIGN-TRADE ZONE SUBZONE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND 3M COMPANY

SUMMARY: The Los Angeles Harbor Department, as the Foreign-Trade Zone grantee, establishes Operating Agreements with FTZ operators to enable the Harbor Department to oversee their FTZ operations. The Harbor Department received a request from 3M Company to continue FTZ Subzone operations at FTZ 202 Site A, located at 19901 Nordhoff Street, Northridge, California. This site includes approximately 121,000 square feet in warehouse and office space on 32.58 acres. 3M manufactures pharmaceutical products at this site. The Operating Agreement will be effective on May 1, 2006 for a term of ten years with options for three periods of five years each.

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

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Construction Division

6. Re: RESOLUTION NO. _____ AWARD OF CONTRACT –
MASTER SCHEDULING, COST ESTIMATING AND
CLAIMS MANAGEMENT CONSULTING SERVICES –
CONSULTANT: PINNACLEONE, INC.

SUMMARY: This Agreement provides for a full-time master scheduler and an on-call estimator, as well as claims management and constructability review services for Port of Los Angeles construction projects. Also included in the Agreement is a provision for training Port employees in related topics. PinnacleOne, Inc., located in Los Angeles, California, is recommended to provide the required services. The Agreement amount plus 5% contingency is \$2,520,000 and the Agreement duration is 1,095 calendar days.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject Agreement can be performed more economically and feasibly by an independent contractor than by City employees, and is necessary due to a peak in work volumes, current employees being committed to other assignments, and expertise that is needed for the subject services; (2) the proposed Agreement with PinnacleOne, Inc. be approved; (3) Resolution No. _____ to award the above-mentioned Agreement to PinnacleOne, Inc., in the of \$2,400,000; that a 5% contingency not included in the original Agreement amount be authorized for the total authorized amount of \$2,520,000, be adopted; and that payment be authorized from the Construction Management Support Services account. The Agreement duration for performance of the work will be 1,095 calendar days from the Notice to Proceed; and (4) the Executive Director and the Board Secretary be authorized to execute and attest to this Agreement for and on behalf of the Board.

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7. Re: RESOLUTION NO. _____ AWARD OF
CONSTRUCTION CONTRACT – BERTHS 73 W, X, Y, Z
AND BERTH 191 WHARF REHABILITATION,
CONTRACTOR: CONNOLLY-PACIFIC COMPANY,
SPECIFICATION NO. 2700

SUMMARY: This project consists of rehabilitating timber wharves at Berths 73 W, X and Y occupied by fishing vessels, Berth 73 Z occupied by The Jankovich Company, and Berth 191 occupied by the Vopak Terminal Los Angeles, Inc. This project is necessary due to deteriorated conditions at these locations. The lowest responsible bidder for this project is Connolly-Pacific Company located in Long Beach, California. The contract amount plus 15% contingency is \$4,499,400, and the contract duration is 270 calendar days.

Recommendation: Board resolve that (1) Resolution No. _____ be adopted awarding the above-mentioned construction contract for Item Nos. 1 through 22 of the proposal schedule to the Connolly-Pacific Company in the amount of \$3,912,510; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$4,499,400; and that payment be authorized from the Construction Account, and the contract time for performance of the work will be 270 calendar days from the Notice to Proceed; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the contract for and on behalf of the Board; and (3) in accordance with City Charter 655 (g), the Executive Director be authorized to delegate and to adjust final bid quantities and accept the construction contract upon its completion.

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8. Re: RESOLUTION NO. _____ AWARD OF
CONSTRUCTION CONTRACT – NORTH GAFFEY
STREET BEAUTIFICATION – CONTRACTOR:
GRIFFITH COMPANY, SPECIFICATION NO. 2694

SUMMARY: This project consists of beautification of North Gaffey Street as part of the first phase of the Northwest San Pedro Beautification Program recommended by the Port Community Advisory Committee (PCAC) and approved by the Board of Harbor Commissioners in March 2006. The lowest responsible bidder for this project is Griffith Company located in Santa Fe Springs, California. The contract amount plus 15% contingency is \$2,440,252, and the contract duration is 545 calendar days.

Recommendation: Board resolve that (1) Resolution No. _____ be adopted awarding the above-mentioned construction contract for Item Nos. 1 through 16 of the proposal schedule to the Griffith Company in the amount of \$2,121,957; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$2,440,252; and that payment be authorized from the Construction Account with the contract time for performance of the work will be 545 calendar days from the Notice to Proceed; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to this contract for and on behalf of the Board; and (3) in accordance with City Charter 655 (g), the Executive Director be authorized to delegate and to approve adjustment of final bid quantities and accept the construction contract upon its completion.

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Environmental

9. Re: RESOLUTION NO. _____ - STAFF RESPONSE TO
PORT OF LOS ANGELES COMMUNITY ADVISORY
COMMITTEE RECOMMENDATION NOS. 72 AND 80

SUMMARY: The Port Community Advisory Committee Recommendation No. 72 requests that the Board of Harbor Commissioners direct staff to submit a quarterly report to the Board for shipping terminal projects and other projects whose Environmental Impact Reports involve assumptions or projections of container throughput or numbers of ship calls. At the request of PCAC, the Los Angeles Harbor Department has included a mitigation measure in EIRs requiring throughput volumes be reviewed at points consistent with the time periods for which that EIR's air quality analyses were performed. Should the actual terminal throughput volume exceed the volume stated in the EIR, an updated air quality assessment will be completed on the actual volume to determine if emissions exceed those given in the EIR.

Staff recommends adoption of Recommendation No. 72, modifying the reporting periods to match the time intervals used in the air quality analysis in each EIR. Further, should the actual throughput volume exceed the volume for that time interval forecasted in the EIR, an air quality assessment will be completed on the actual volume to determine if emissions exceed projections.

PCAC Recommendation No. 80 requests that the Board direct staff to provide a clearly documented summary on impacts, mitigated impacts and impacts which cannot be mitigated in all environmental documents. Consultants and staff are presently working with the PCAC EIR/Aesthetic Mitigation Subcommittee to develop a readable EIR Executive Summary template to be used in future EIRs which includes the elements and details requested by the motion.

Staff recommends that the Board approve Recommendation No. 80 and direct staff to continue with the efforts currently underway.

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9. (Continued)

Recommendation: Resolve that (1) the Board find and approve in concept PCAC Recommendation No. 72, modifying the reporting periods to match the time intervals used in the air quality analysis in each EIR; (2) the Board find and direct staff that should the actual volume exceed the volume forecasted in the EIR, an updated air quality assessment shall be completed on the actual volume to determine if emissions exceed projections; (3) the Board find and approve PCAC Recommendation No. 80 and staff be directed to continue their consultation with the PCAC EIR/Aesthetic Mitigation Subcommittee Chair to develop an EIR Executive Summary template; and (4) Resolution No. _____ be adopted.

J. Deputy Executive Director's Report

Deputy Executive Director Business Development Kathryn McDermott

K. CLOSED SESSION

- 1. Discussion of pending litigation entitled: American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of outside counsel.**
- 2. Instructions to negotiators relating to lease negotiations with San Pedro Waterfront, LLC concerning proposed amendment to Revocable Permit No. 03-04 and Permit No. 856, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for San Pedro Waterfront, LLC will be Jayme Wilson. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**

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K. CLOSED SESSION (Continued)

- 3. Instructions to negotiators relating to lease negotiations with San Pedro Fish Markets concerning proposed amendment to Permit No. 387, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for San Pedro Fish Markets will be Tom Amalfitano. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**

- 4. 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.**