

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, JULY 16, 2009, AT 6:00 P.M.
BANNING'S LANDING COMMUNITY CENTER
100 EAST WATER STREET
WILMINGTON, CA 90744**

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

**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. ELECTION OF OFFICERS

PURSUANT TO SECTION 503(A) OF THE CHARTER OF THE CITY OF LOS ANGELES, WHICH PROVIDES THAT THE ELECTION OF THE PRESIDENT AND VICE PRESIDENT SHALL BE HELD EACH YEAR, THE BOARD OF HARBOR COMMISSIONERS SHALL HOLD ITS ELECTION TODAY TO ELECT THE FOLLOWING OFFICERS TO SERVE FOR THE ENSUING TERM:

PRESIDENT:

VICE PRESIDENT:

C. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

D. REPORT OF THE EXECUTIVE DIRECTOR

E. REPORTS OF COMMISSIONERS

F. BOARD COMMITTEE REPORTS

G. MINUTES OF PREVIOUS MEETINGS FOR APPROVAL

Minutes of the regular meetings of the Los Angeles Board of Harbor Commissioners of February 19, 2009 and March 19, 2009 for approval.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1- 3)

Homeland Security

1. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT TO HALCROW, INCORPORATED FOR GRANT WRITING, SECURITY SYSTEMS ADVISOR, AND FIDUCIARY AGENT LIAISON (AS-NEEDED BASIS)

SUMMARY: The Homeland Security Division (Homeland Security) recommends the approval of a contract award to Halcrow, Inc., located in Long Beach, CA to provide professional services to assist the City of Los Angeles Harbor Department (Harbor Department) in the following areas: 1) writing of grant applications related to port security, 2) development of Requests for Information (RFIs) and Requests for Proposals (RFPs) for contracts related to security, 3) assisting as Fiduciary Agent for the administration of the 2007 and 2008 Port Security Grant Program, 4) updating the Harbor Department's existing security plans, and 5) acting as technical advisor for the design and installation of new security systems.

Homeland Security utilized contractors for grant writing under two previous contracts, which resulted in \$48 million in grant awards to the Harbor Department. Homeland Security estimates this new contract will result in an additional \$24 million in grant awards to the Harbor Department. This action will authorize a one-year contract term, from the date of execution, with two, one-year renewal options, for an amount not-to-exceed \$750,000.

Recommendation: Board resolve to (1) find that the City of Los Angeles (City) requires assistance with the research, development, and application for port security grant funds; (2) find that the City requires assistance with the development of RFIs and RFPs for contracts related to security systems; (3) find that the City requires the professional and technical services of Halcrow, Inc. to assist with the Harbor Department's responsibilities as Fiduciary Agent for the administration of the 2007 and 2008 Port Security Grant Program; (4) find that the City requires the professional and technical services of Halcrow, Inc. to review and update the Harbor Department's existing plans related to security systems, as well as to act as a technical advisor for the design and installation of new

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1. (Continued)

security systems; (5) find that in accordance with the City Charter Section 1022, work under the subject Agreement is temporary in nature and can be performed more feasibly by an independent consultant rather than by City employees. In addition, under current staffing levels, this work would be required to take place utilizing overtime funds, which would result in a higher expenditure than would result from executing this contract; (6) find that the Human Resources Division, in their Contract Review Report, has determined that although there are City employees who can perform the work being proposed, the work assignment "exceeds staffing availability." It is estimated that it would take approximately three months to fill the necessary positions (no single Civil Service Classification can perform all required duties) through the Civil Service Commission process and the Harbor Department would be unable to continue to employ staff hired for the project following project completion; (7) approve a one-year Agreement with two, one-year renewal options, at a not-to-exceed amount of \$750,000, with Halcrow, Inc. for: researching, developing and writing applications for port security grant funds; developing RFIs and RFPs for contracts related to security systems; assisting with the Harbor Department's responsibilities as Fiduciary Agent for the administration of the 2007 and 2008 Port Security Grant Program; reviewing and updating the Harbor Department's existing plans related to security systems; and acting as technical advisor for the design and installation of new security systems; (8) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board; and (9) adopt Resolution No. _____ awarding an Agreement to Halcrow, Inc. for the services described in item 7 of the Recommendation section of this report.

Real Estate

2. Re: RESOLUTION NO. _____ - PROPOSED SECOND AMENDMENT TO PERMIT NO. 999 WITH CHINA SHIPPING HOLDING COMPANY, LTD.

SUMMARY: In 2001, China Shipping Holding Company, Ltd. (China Shipping) was granted a permit for a container terminal at Berths 100-102 under Permit No. 999 (Permit). Included in the Permit is a term that provides for temporary discounts on Twenty Foot Equivalent Unit (TEU) charges for empty cargo containers that are

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2. (Continued)

processed in China Shipping's container terminal. The temporary discounts were scheduled to expire after the first five-year period following the Permit's "Occupancy Date". Due to project delays resulting from a lawsuit filed in opposition to this project by the National Resources Defense Council (NRDC), the "Occupancy Date" was reestablished through the First Amendment to the Permit. The reestablishment of the "Occupancy Date" resulted in ambiguity as to when the empty discount should expire, and in order to eliminate any uncertainty, staff has negotiated with China Shipping to define the empty discount termination date as December 31, 2009. Staff recommends memorializing the agreed upon termination date in the proposed Second Amendment.

Recommendation: Board resolve to (1) approve the proposed Second Amendment to Permit 999; (2) direct the Board Secretary to transmit the Second Amendment to Permit No. 999 to the City Council for approval pursuant to Section 606 of the City Charter; (3) authorize the Executive Director to execute and the Board Secretary to attest to the Second Amendment upon approval by City Council; and (4) adopt Resolution No. _____.

Contract & Purchasing

3. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT TO OFFICE DEPOT, INC., BID NO. F-651, CONTRACT NO. 39495, FOR THE PURCHASE OF GENERAL OFFICE SUPPLIES

SUMMARY: *The Contracts and Purchasing Division (Contracts and Purchasing) is requesting approval to enter into a contract with Office Depot, Inc. (Office Depot), for a period of one year, with two subsequent renewals, to purchase General Office Supplies (GOS) required for the Los Angeles Harbor Department's (Harbor Department's) daily business operations. For the initial year of the contract, the amount requested is \$340,000, which was determined by aggregating the total amounts requested by each division for the purchase of office supplies based on their annual budgets for Fiscal Year (FY) 2010. For subsequent years, a similar process will be used to determine the annual aggregate amount budgeted for office supplies based on the FY 2011 and FY 2012 budgets. The contract is based on a cooperative arrangement with the City of Los Angeles*

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3. (Continued)

General Services Department (General Services) for use of Contract No. 58540 with Office Depot, which will be effective through June 30, 2012. Utilization of the General Services contract provides significant cost savings due to the dollar magnitude of the overall contract and Office Depot provides a cost efficient process for order and delivery of supplies.

Recommendation: Board resolve to (1) find that in accordance with City Charter Section 10.15, the Harbor Department may enter into the agreement with Office Depot based on its cooperative arrangement with General Services to utilize Contract No. 58540; (2) Award Contract No. 39495 (Bid No. F-651), in the amount of \$340,000, for the purchase of GOS to Office Depot, Inc., 6600 N. Military Trail, Boca Raton, Florida 33496, for an initial period of one year, with two subsequent renewals; (3) Authorize the Executive Director or designee to execute the contract and two one-year renewal options, in accordance with General Services Contract No. 58540, for FY 2011 and FY 2012, if so desired; and (4) Adopt Resolution No. _____.

Regular Items (4-6)

Goods Movement

4. Re: **SECOND TEMPORARY ORDER NO. _____
AMENDING PORT OF LOS ANGELES TARIFF NO. 4,
SECTION 21, ITEM NO. 2105, INFRASTRUCTURE
CARGO FEE**

SUMMARY: On April 16, 2009, the Board of Harbor Commissioners (Board approved a permanent Order and a temporary Order amending Port of Los Angeles Tariff No. 4, Section 21, Item No. 2105 (Transmittal 2), to amend the date of Infrastructure Cargo Fee (ICF) collection to commence on July 1, 2010, at an amount to be determined by March 31, 2010, at the latest. The Port of Long Beach (POLB) Board of Harbor Commissioners approved this same postponement of the ICF on April 20, 2009.

A second temporary Order (Transmittal 1) is being proposed to allow additional time for the permanent Order to pass through the Los Angeles City Council (City Council) approval process.

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4. (Continued)

Recommendation: Board resolve to (1) adopt the temporary Order to amend the Port of Los Angeles Tariff No. 4, Section 21, Item No. 2105; and (2) authorize the Board Secretary 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).

Environmental Management

5. Re: RESOLUTION NO. _____ - AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TOXIC SUBSTANCES CONTROL FOR OVERSIGHT OF THE AVALON TRIANGLE PROPERTY

SUMMARY: A critical component of the Wilmington Waterfront Development Project, the 2.9-acre Avalon Triangle property located at Avalon and Harry Bridges Boulevards in Wilmington, CA, is slated for redevelopment as a community park (Transmittal 1). Environmental investigations conducted in support of the park development revealed that the soil and groundwater were impacted by various contaminants. In May 2007, the City of Los Angeles Harbor Department (Harbor Department) entered into a Voluntary Cleanup Agreement (VCA) with the California Department of Toxic Substances Control (DTSC) for oversight of the environmental remedial actions needed to obtain regulatory approval for use of the property as a public park. The 2007 VCA has expired and a new agreement with DTSC is necessary to implement the Removal Action Workplan (RAW) to address contaminated soil at the site, and allow the Avalon Triangle Park project to move forward. The Harbor Department is responsible for reimbursing DTSC for costs associated with their oversight activities estimated at \$186,962 over a five-year period.

Recommendation: Board resolve to (1) approve the Agreement with the California Department of Toxic Substances Control in the amount of \$186,962; (2) authorize the Executive Director and the Board Secretary to execute and attest to said Agreement for and on behalf of the Board; and (3) Adopt Resolution/Order No. _____.

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6. Re: RESOLUTION NO. _____ - CHINA SHIPPING PORT
COMMUNITY AESTHETIC MITIGATION PROGRAM

SUMMARY: The China Shipping Port Community Aesthetic Mitigation Program was established in 2003 to implement aesthetic mitigation projects in the communities of San Pedro and Wilmington. The program funding process and requirements were established in the China Shipping Settlement Agreement Amended Stipulated Judgment (ASJ) between the City of Los Angeles and the Natural Resources Defense Council et al. The City of Los Angeles Harbor Department (Harbor Department) solicited final projects for the San Pedro and Wilmington communities in September 2008 and January 2009, respectively. On June 16, 2009, the Port Community Advisory Committee (PCAC) recommended funding for eleven projects, five in San Pedro and six in Wilmington. Staff requests the Board of Harbor Commissioners (Board) approve in concept and allocate funding for the six Wilmington Aesthetic Mitigation projects, as recommended by PCAC, in an amount not-to-exceed \$5,151,971. The Wilmington Aesthetic Mitigation projects and funding amounts are: Banning's Landing Education Program (\$1,000,000); Los Angeles Lighthouse Restoration Project (\$1,800,000); Tall Ship Restoration for Youth Program Expansion (\$771,000); Wilmington Chamber of Commerce Electronic Message Board (\$50,000); Elementary Storm Drain Education Program (\$75,000); and Wilmington Marinas (\$1,455,971). Staff will return to the Board for approval of each project funding mechanism once applicant agreements or construction documents are finalized. Staff is presently analyzing the San Pedro Aesthetic Mitigation projects and will make recommendations for these projects at a future Board meeting.

Recommendation: Board resolve to (1) approve in concept the six Wilmington Aesthetic Mitigation projects recommended by PCAC and direct staff to prepare funding agreements or construction documents for future Board approval to implement the projects for a cumulative amount not-to-exceed \$5,151,971*; (2) allocate funding from the Community Aesthetic Mitigation Fund (Account 21952, Center 7000, Program 000) for the following Wilmington Aesthetic Mitigation projects:

*Staff will return to the Board for approval of each project funding agreement once applicant agreements or construction documents are finalized.

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6. (Continued)

Banning's Landing Education Program	\$1,000,000
Los Angeles Lighthouse Restoration Project	1,800,000
Tall Ship Restoration for Youth Program Expansion	771,000
Wilmington Chamber of Commerce Electronic Message	50,000
Elementary Storm Drain Education Program	75,000
Wilmington Marinas Parkway Project	<u>1,455,971</u>
TOTAL	<u>\$5,151,971</u>

and; (3) adopt Resolution No. _____.

I. PRESENTATIONS

1. Port Fees- Michael DiBernardo
2. Truck Incentive Update- John Holmes

J. 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, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
2. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., United States District Court Case No. 1:08-CV-01895-RJL, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
4. Discussion with legal counsel concerning significant exposure to litigation [three (3) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.