

REVISED
AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, APRIL 1, 2010 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 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. EXECUTIVE DIRECTOR REMARKS

D. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. APPROVAL OF MINUTES

Minutes of the Special Meetings of October 15, 2009 and December 10, 2009, and Regular Meetings of February 4, 2010 and February 18, 2010 for approval.

G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 6)

City Attorney

1. Re: RESOLUTION NO. _____ - SECOND AMENDMENT TO AGREEMENT NO. 2399 WITH DPRA, INCORPORATED FOR LITIGATION SUPPORT IN THE FIELD OF ENVIRONMENTAL FORENSICS

SUMMARY: The City Attorney requests approval of a Second Amendment to Agreement No. 2399 with DPRA, Incorporated, (DPRA) extending the term of the Agreement by two years, for a total term of seven years, with no additional appropriation.

Recommendation: Board resolve to (1) approve the Second Amendment to Agreement No. 2399 between the City of Los Angeles and DPRA which adds two years to the Agreement term; (2) direct the Board Secretary to transmit the Second Amendment to Agreement No. 2399 to the City Council for its approval pursuant to Section 373 of the Charter; and (3) adopt Resolution No. _____ authorizing the Executive Director to execute the Second Amendment to Agreement No. 2399.

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Clean Truck Program

2. Re: RESOLUTION NO. _____ - AWARD OF PURCHASE ORDER CONTRACT WITH VISION MOTOR CORPORATION OF SANTA MONICA, CALIFORNIA TO PURCHASE A ZERO EMISSION CLASS 8 HYBRID ELECTRIC TRUCK

SUMMARY: Staff request awarding a Purchase Order Contract with Vision Motor Corporation, Santa Monica, California for a zero emission Class 8 hybrid electric truck, which would be used for moving the City of Los Angeles Harbor Department's (Harbor Department) Transporter Exhibit. The resulting zero emission truck would be one of only a handful of zero emission Class 8 hybrid electric trucks operating in the world. The cost to purchase the zero emission truck would not exceed \$280,000 (including sales tax), of which approximately \$180,000 is reimbursable from \$1.7 million that has been authorized for the Harbor Department from a United States Department of Energy's (USDOE) Energy Efficiency and Conservation Block Grant (EECBG). Staff recommends approval of this Purchase Order Contract due to the environmental benefits and long-term economic advantages to the Harbor Department and the City of Los Angeles. The zero emission Class 8 hybrid electric truck would be maintained and operated by the Harbor Department's Construction and Maintenance Division.

Recommendation: Board resolve to (1) approve the Purchase Order Contract to purchase a zero emission Class 8 hybrid electric truck from Vision Motor Corporation and authorize said expenditures (Transmittal 1); (2) authorize the Executive Director to execute to the Purchase Order Contract for and on behalf of the Board; and (3) adopt Resolution No. _____.

Environmental

3. Re: RESOLUTION NO. _____ - PROPOSED SECOND AMENDMENT TO AGREEMENT NO. 2527 WITH CAMP DRESSER MCKEE, INC.

SUMMARY: Camp Dresser and McKee, Inc. (CDM), is currently under contract (Agreement 2527) with the City of Los Angeles (CITY) Harbor Department (Harbor Department) to provide California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) related services. Due to delays in releasing a Request for Proposal (RFP), the Board of Harbor Commissioners (Board) recently approved a one-year extension to Agreement No. 2527 to complete current CEQA projects. The second amendment to Agreement No. 2527 would add \$400,000 to

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3. (Continued)

complete the Berth 302-306 (American President Lines) Container Terminal Environmental Impact Statement (EIS)/Environmental Impact Report (EIR), increasing the total CDM contract amount from \$4,000,000 to \$4,400,000.

Recommendation: Board resolve to (1) approve the Second Amendment to Agreement No. 2527 with CDM to add an additional \$400,000, for a total contract amount of \$4,400,000; (2) direct the Board Secretary to transmit the Second Amendment 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, authorize the Executive Director and the Board Secretary to execute and attest to said amendment for and on behalf of the Board; and (4) adopt Resolution No._____.

Information Technology

4. Re: RESOLUTION NO. _____ - AGREEMENT WITH PACIFIC BELL TELEPHONE COMPANY DBA AT&T DATACOMM FOR VOICE OVER INTERNET PROTOCOL (VOIP) TELEPHONE SYSTEM

SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) is requesting approval to enter into an agreement with Pacific Bell Telephone Company dba AT&T Datacomm (AT&T) to implement a Voice Over Internet Protocol (VOIP) telephone system with lower operational costs and modern features. The recommendation to select AT&T is based on a competitive Request for Proposals (RFP) process. The proposed agreement requires a 25% small business participation level. The term of the proposed agreement is three (3) years at a not-to-exceed amount of \$705,000. The Harbor Department estimates to realize cost savings between \$260,000 and \$360,000 per year with the VOIP telephone system, when compared to the cost of the existing telephone services. AT&T is based in Dallas, Texas, with offices in Los Angeles, California.

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 AT&T at an amount not-to-exceed \$705,000 and a term of three (3) years and authorize said expenditures (Transmittal 1); (3) authorize the Executive Director to execute the agreement and the Board Secretary to attest to said agreement; and (4) adopt Resolution No. _____.

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Media Relations

5. Re: RESOLUTION NO. _____ – AGREEMENT BETWEEN CISION
US INC. AND THE LOS ANGELES HARBOR DEPARTMENT

SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) is proposing to enter into a three-year agreement with Cision US Inc. (Cision), Los Angeles, California, to provide Web-based media monitoring, research, news distribution, and measurement/evaluation services to the Port's Media Relations team. At an anticipated cost-savings, the proposed agreement will replace three separate services that Media Relations has been using on a subscription and Purchase Order payment basis. Last year, the City Attorney's Office and Purchasing division requested that Media Relations discontinue purchasing these services in the Subscription/Purchase Order fashion and use Service Agreement(s) instead. Selected through a competitive Request for Proposal (RFP) process, the Cision service will: help Media Relations more efficiently monitor, aggregate and share Port- and industry-related news; provide a database of print, broadcast and online news sources in the ever-expanding media universe; enable Media Relations to more efficiently distribute both general news and news of interest to specific media (or other stakeholders); provide Media Relations with the ability to access the Cision database, build lists and distribute news from off-site locations in the event of a crisis; and, lastly, provide news measurement and evaluation capability that Media Relations presently does not have.

Recommendation: Board resolve to (1) find that in accordance with City Charter Section 1022, services under the Agreement can be provided more efficiently and effectively to Port employees through the tools provided by this independent contractor, as opposed to using City employees; and (2) approve the proposed agreement with Cision for a three-year term at a not-to- exceed amount of \$40,000 a year; (3) authorize the Executive Director or designee to execute the three-year agreement contract; and (4) adopt Resolution No. _____.

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Real Estate

6. Re: RESOLUTION NO. _____ - PROPOSED MASTER JOINT REVOCABLE PERMITS AND JOINT REVOCABLE PERMIT AMONG THE CITY OF LOS ANGELES HARBOR DEPARTMENT, PORT OF LONG BEACH, AND SEPARATELY BP WEST COAST PRODUCTS, LLC AND ARCO TERMINAL SERVICES CORPORATION

SUMMARY: In 1994, the City of Los Angeles Harbor Department (Harbor Department) and the Port of Long Beach (POLB) jointly purchased properties along certain railroad right-of-ways (ROW) in Los Angeles County for the purpose of constructing the Alameda Corridor. The ownership of that property includes all agreements for use of the railroad ROW, including numerous permits, leases, and licenses with BP West Coast Products, LLC (BP) and ARCO Terminal Services Corporation (ARCO).

A Master Joint Revocable Permit (MJRP) among the Harbor Department, POLB and BP and a MJRP among the Harbor Department, POLB, and ARCO are proposed for the purpose of consolidating various existing permits, leases, and licenses for subsurface facilities (i.e., pipes, pipelines, cables, and conduits) and related appurtenances (i.e., cathodic protection systems, vaults, communication lines, valves, meters, etc.) into single master permits, respectively, to reduce permit administrative burdens. The proposed BP and ARCO MJRPs allow parcels for subsurface facilities and related appurtenances to be added or removed through amendments that will only require the approval and execution from both Ports' Executive Directors. In addition, the proposed BP and ARCO MJRPs update terms to reflect current standard permit terms and provisions, document historically operated facilities for future reference, and adjust compensation.

A separate, but similar, Joint Revocable Permit (JRP) is proposed for a BP underground conveyor system and floodwater convert structures, since these specific structures fall outside of the subsurface facilities and related appurtenances identified in the MJRP.

Approval of the proposed BP and ARCO MJRPs and BP JRP will result in substantial time and cost savings associated with the management of the various BP and ARCO entitlements.

Recommendation: Board resolve to (1) approve the proposed MJRP and JRP with BP and POLB for the operation and maintenance of existing subsurface facilities; (2) approve the proposed MJRP with ARCO and POLB for the operation and maintenance of existing subsurface facilities; (3) authorize the Executive Director to execute and the Board Secretary to attest to the proposed MJRPs and JRP; and (4) adopt Resolution No.

_____.

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REGULAR ITEMS (7 - 10)

Engineering

7. Re: RESOLUTION NOS. _____ AND _____ - STATEWIDE PARK PROGRAM GRANT FUNDS APPLICATION

SUMMARY: Staff is requesting approval from the Board of Harbor Commissioners (Board) to apply for the Statewide Park Program Grant (Grant) through the State Department of Parks and Recreation for the Avalon Triangle Park Project. The City of Los Angeles Harbor Department (Harbor Department) is applying for grant funding in the amount of \$3,224,000 for the Avalon Triangle Park Project. This funding will cover construction and construction management cost. The Grant does not have a match requirement.

Recommendation: Board resolve to (1) approve the Statewide Park Program Grant application for the Avalon Park Project (Transmittal 2); (2) authorize the Executive Director to execute and the Board Secretary to attest to the Grant application; (3) adopt Resolution No. _____ (Board Report); and (4) adopt Resolution Concerning the State Application for Grant Funding for Avalon Triangle Park Project, Resolution No. _____ (Transmittal 1).

Environmental

8. Re: RESOLUTION NO. _____ - PROPOSED FOURTH AMENDMENT TO AGREEMENT NO. 2467 WITH ENVIRON INTERNATIONAL CORPORATION

SUMMARY: Environ International Corporation (Environ) is currently under contract with the City of Los Angeles Harbor Department (Harbor Department) for the preparation of the Environmental Impact Report (EIR) for the Southern California International Gateway (SCIG) Project. The SCIG Project is a near-dock intermodal rail facility proposed by BNSF Railway (BNSF) that would be located on Port property bordered by the Dominguez Channel, Terminal Island Freeway, Pacific Coast Highway and Sepulveda Boulevard. Staff recommends amending Agreement No. 2467 with Environ to complete the EIR and any work necessary after project approval by extending the contract term from October 27, 2010 to October 26, 2011 and increasing the total contract amount by \$700,000 from \$3,300,000 to \$4,000,000.

Under the approved Cost Share Agreement between BNSF and the Harbor Department executed on June 12, 2008, BNSF will pay half of the EIR preparation costs, including half (\$350,000) of this additional amount.

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8. (Continued)

Recommendation: Board resolve to (1) approve the Fourth Amendment to Agreement No. 2467 with Environ to increase the total contract authority from \$3,300,000 to \$4,000,000 and extend the contract term by one year from October 27, 2010 to October 26, 2011 to complete the SCIG EIR; (2) direct the Board Secretary to transmit the Fourth Amendment 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, authorize the Executive Director and the Board Secretary to execute and attest to said amendment for and on behalf of the Board; and (4) adopt Resolution No. _____.

Executive Director

9. Re: RESOLUTION NOS. _____ AND _____ - EXPANSION OF
COMMUNITY REDEVELOPMENT AGENCY (CRA)
REDEVELOPMENT PROJECT AREAS TO INCLUDE THE
PORT OF LOS ANGELES

SUMMARY: *The Port of Los Angeles (Port) is adjacent to Community Redevelopment Agency (CRA) redevelopment project areas. These areas were identified by the City of Los Angeles as being blighted and are the focus of redevelopment efforts to revitalize the business climate, create jobs, and rehabilitate the physical environment. Through redevelopment efforts, tax increment revenues are generated which are used to fund the improvements. Currently, the CRA redevelopment project areas have insufficient revenue to support continued redevelopment. In order to provide additional tax increment revenues for these redevelopment project areas, the City is considering expansion of the redevelopment areas to include the Port. It is recommended that the Board of Harbor Commissioners (Board) approve the attached resolution supporting the inclusion of Port properties into these existing redevelopment project areas and direct staff to execute a Memorandum of Understanding (MOU) with CRA.*

Recommendation: Board resolve to (1) direct staff to work with the CRA to develop a MOU for the purpose of determining the appropriateness of including Port property within existing redevelopment project areas and if appropriate, identify the process for including Port property into those redevelopment areas. The MOU will also address directing incremental possessory interest tax revenues from Port property to the Wilmington and San Pedro redevelopment areas and ensure that the inclusion of Port properties into these redevelopment areas will not impact the powers and duties afforded the Board nor the management, operation and finances of the Port; and (2) adopt Resolution Nos. _____ and _____.

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Real Estate

10. Re: RESOLUTION NO. _____ - PROPOSED FIRST AMENDMENT TO AGREEMENT NO. 2069 WITH CALIFORNIA CARTAGE CORPORATION

SUMMARY: Agreement No. 2069 grants California Cartage Corporation (Cal Cartage or Tenant) use of approximately 85 acres of City of Los Angeles Harbor Department (Harbor Department) property in the Wilmington Classification Yard, as depicted on Transmittal No. 1, for the operation of a warehousing and transload facility. Agreement No. 2069 expired on April 30, 2008, and Cal Cartage has since been on holdover status.

Due to impacts from the downturn in the economy, Cal Cartage desires to reduce its operating costs and would like to amend Agreement No. 2069 to temporarily remove approximately 7 acres from its premises, while remaining subject to holdover status. Cal Cartage's holdover status allows it to remove parcels from its premises.

The First Amendment also corrects Cal Cartage's name on file to California Cartage Company, Inc. and updates the exhibits for the premises.

Recommendation: Board resolve to (1) approve the First Amendment to Agreement No. 2069 with Cal Cartage; (2) direct the Board Secretary to transmit the First Amendment to 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 First Amendment upon approval by City Council; and (4) adopt Resolution No. _____.

H. 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 – ANTICIPATED LITIGATION
(Subdivision (c) of Government Code Section 54956.9)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: one case.

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H. CLOSED SESSION (Continued)

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

City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463

4. 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

5. 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 [one (1) potential case]

6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)

Provide instructions to its real estate negotiators with respect to lease negotiations with TraPac, Inc. concerning Permit No. 881:

Property: Berths 136-147

City Negotiator: Kathryn McDermott

Tenant Negotiator: Frank Pisano

Negotiating Parties: City and TraPac, Inc.

Under Negotiation: Price and Terms