

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH 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.

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731**

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

**C. EXECUTIVE DIRECTOR REMARKS**

**D. REPORT OF THE COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATION**

**Freight Rates, Shipping Costs and Port Fee's – Michael Di Bernardo  
Presentation on Lobster Festival by Jim Hall, Producer.**

**G. REPORTS OF THE EXECUTIVE DIRECTOR**

**CONSENT ITEMS (1 - 6)**

**Environmental**

- 1. Re: RESOLUTION NO. \_\_\_\_\_ - AIR QUALITY MITIGATION  
INCENTIVE PROGRAM FIRST AMENDMENT TO GRANT  
AGREEMENT 2616 WITH INTERNATIONAL CARGO  
EQUIPMENT**

***SUMMARY: Agreement 2616 between the City of Los Angeles Harbor  
Department (Harbor Department) and International Cargo Equipment, Inc.  
(ICE) implements a grant in the amount of \$189,157 under the 2006-2007  
Air Quality Mitigation Incentive Program to repower six forklifts and  
container movers. Agreement 2616 required the new equipment to be in  
place by June 5, 2009 to be eligible for reimbursement. ICE completed  
four forklift repowers by June 5, 2009 and two by September 1, 2009. This  
Amendment extends the deadline to replace the equipment from June 5,  
2009 to October 5, 2009. Agreement 2616 will expire on June 5, 2013.***

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

1. (Continued)

**Recommendations:** Board resolve to (1) approve the First Amendment to Agreement 2616 with International Cargo Equipment, Inc. to extend the time to purchase new equipment to October 5, 2009; (2) authorize the Executive Director to execute and the Board Secretary to attest to said Amendment; (3) direct the Board Secretary to forward said Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (4) adopt Resolution No. \_\_\_\_\_.

2. Re: RESOLUTION NO. \_\_\_\_\_ - AIR QUALITY MITIGATION INCENTIVE PROGRAM FIRST AMENDMENT TO GRANT AGREEMENT 2642 WITH CATALINA CHANNEL EXPRESS

***SUMMARY:*** Agreement 2642 between the City of Los Angeles Harbor Department (Harbor Department) and Catalina Channel Express, Inc. implements a grant in the amount of \$75,200 under the 2006-2007 Air Quality Mitigation Incentive Program (AQMIP) to replace two marine auxiliary engines on the passenger ferry "Catalina Jet." This First Amendment to Agreement 2642 will allow the Harbor Department to reimburse Catalina Channel Express for equipment ordered prior to the effective date of the Agreement.

**Recommendations:** Board resolve to (1) approve the First Amendment to Agreement 2642 with Catalina Channel Express to allow the Harbor Department to reimburse expenses incurred prior to June 17, 2008; (2) authorize the Executive Director to execute and the Board Secretary to attest to said Amendment; (3) direct the Board Secretary to forward said Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (4) adopt Resolution No. \_\_\_\_\_.

3. Re: RESOLUTION NO. \_\_\_\_\_ - AIR QUALITY MITIGATION INCENTIVE PROGRAM FIRST AMENDMENT TO GRANT AGREEMENT 2615 WITH CATALINA FREIGHT LINE

***SUMMARY:*** Agreement 2615 between the City of Los Angeles Harbor Department (Harbor Department) and Catalina Freight Line implements a grant in the amount of \$144,000 under the 2006-2007 Air Quality Mitigation Incentive Program to replace four shore-powered refrigeration units used by Catalina Freight Line in Wilmington and Avalon. Agreement 2615 required the new equipment to be in place by June 2009. Catalina Freight Line has requested additional time to purchase the new equipment. First Amendment to Agreement 2615 will extend the deadline to replace equipment to January 5, 2010.

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

3. (Continued)

**Recommendations:** Board resolve to (1) approve the First Amendment to Agreement 2615 with Catalina Freight Line to extend the time to purchase new equipment to January 5, 2010; (2) authorize the Executive Director to execute and the Board Secretary to attest to said Amendment; (3) direct the Board Secretary to forward said Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (4) adopt Resolution No. \_\_\_\_\_.

4. Re: ORDER NO. \_\_\_\_\_ - TEMPORARY ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION TWENTY, ITEM 2045 - VOLUNTARY VESSEL SPEED REDUCTION PROGRAM

ORDER NO. \_\_\_\_\_ - PERMANENT ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION TWENTY, ITEM 2045 - VOLUNTARY VESSEL SPEED REDUCTION PROGRAM

***SUMMARY: On June 19, 2008, the Board of Harbor Commissioners (Board) approved the Vessel Speed Reduction Incentive Program (VSRIP) to reward those vessel operators whose fleets achieved 90 percent or better VSRIP compliance 20 nautical miles (nm) to/from Point Fermin. Vessels complying with this program reduce both nitrogen oxide (NOx) and particulate matter (PM) emissions by an estimated 10 percent per arrival or departure. Staff recommends amending the VSRIP to provide an additional incentive, equal to 30 percent of the first day of dockage as published in Port of Los Angeles Tariff No. 4 (Tariff No. 4), to reward vessel operators for compliance with the VSRIP 40 nm to/from Point Fermin. This action significantly increases the air quality benefit and contributes to achievement of San Pedro Bay Ports Clean Air Action Plan (CAAP) Goals and Standards. The cost of extending the VSRIP to 40 nm is estimated at \$400,000, available in FY 2009/2010 budget.***

**Recommendations:** Board resolve to (1) adopt a Temporary Order to amend the language in Item 2045 in Section Twenty, Clean Air Action Plan - General Rules and Regulations, of the Port of Los Angeles Tariff No. 4 amending the Voluntary Vessel Speed Reduction Program to recognize vessels that are 90 percent compliant with the program to 40 nm commencing for calendar year 2009 on September 29, 2009; (2) adopt a Permanent Order to amend the language in Item 2045 in Section Twenty, Clean Air Action Plan - General Rules and Regulations, of the Port of Los Angeles Tariff No. 4 amending the Voluntary Vessel Speed Reduction Program to recognize vessels that are 90 percent compliant with the program to 40 nm commencing for calendar year 2010 on September 29,

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731**

**4. (Continued)**

2009; (3) authorize the Board Secretary to certify to the adoption of the Temporary 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); (4) direct the Board Secretary to transmit to the City Council for approval the Permanent Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); and (5) authorize the Board Secretary to execute the proposed Board Permanent 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 of Los Angeles website as regulated by the Federal Maritime Commission.

**Marketing**

**5. Re: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND NYK LOGISTICS (AMERICAS) INC., FTZ 202 SITE 9B**

***SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes General Purpose Operating Agreements (Operating Agreement) with FTZ operators in order to enable the Harbor Department to oversee their FTZ operations. On March 26, 2004 the Board of Harbor Commissioners (Board) approved an Operating Agreement (Agreement No. 2308) with NYK Logistics (Americas), Inc. (NYK) – formerly known as NYK Logistics (UWDC) Inc. The original term for this Operating Agreement was April 1, 2004 to March 31, 2009. On August 10, 2009, the Board approved the option to extend Agreement No. 2308 with NYK. However, upon further review, the City Attorney advised that the Harbor Department needs to enter into a new agreement with NYK due to the fact that the original agreement expired in April 2009. The Harbor Department received a request from NYK to re-activate their site within FTZ 202 Site 9B, located at 2417 East Carson Street, Long Beach, CA. This site includes approximately 675,000 square feet in warehouse and office space on 46.79 acres. NYK will be operating their warehouses under FTZ operation rules and the FTZ Operating Agreement will provide a term of five years with two, five- year renewal options.***

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731**

5. (Continued)

**Recommendations:** Board resolve to (1) approve the subject FTZ Operating Agreement between the City of Los Angeles and NYK; (2) authorize and direct the Board Secretary 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) authorize the Executive Director to execute and the Board Secretary to attest to the proposed FTZ Operating Agreement upon approval by the City Council; and (4) adopt Resolution No. \_\_\_\_\_.

**City Attorney**

6. Re: RESOLUTION NO. \_\_\_\_\_ - FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL LEGAL SERVICES NO. 2519 BETWEEN THE CITY OF LOS ANGELES, THE CITY OF LONG BEACH, AND KAYE SCHOLER, LLP

***SUMMARY:*** *The Office of the City Attorney requests approval of a Fourth Amendment (Fourth Amendment) to Agreement for Professional Legal Services No. 2519 (Agreement No. 2519) between and among the City of Los Angeles (POLA), the City of Long Beach (POLB) and Kaye Scholer LLP (Kaye Scholer), increasing the term of Agreement No. 2519 by one year, to a maximum of four years.*

**Recommendations:** Board resolve to (1) approve the Fourth Amendment to Agreement No. 2519 with Kaye Scholer in the form attached as Transmittal 1, increasing the maximum term to four (4) years; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Fourth Amendment to Agreement No. 2519; (3) authorize and direct the Board Secretary to forward the Fourth Amendment to Agreement No. 2519 to the City Council for its approval pursuant to Section 373 of the City Charter; (4) adopt Resolution No. \_\_\_\_\_.

H. **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 and retention of outside counsel.

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

SUPPLEMENTAL PAGE

CONSENT ITEMS CONTINUED

Environmental Management

7. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO THE  
PORT OF LOS ANGELES COMMUNITY ADVISORY  
COMMITTEE RECOMMENDATIONS NOS. 86, 88, 89 AND 91

***SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 86 requests the Board of Harbor Commissioners (Board) to authorize 90 days for comment from the day the San Pedro Waterfront Draft Environmental Impact Report/Environmental Impact Statement (Draft EIS/EIR) is released for public review. After release of the document, the public review period was extended from 60 to 77 days in response to public requests. Since the public comment period on the Draft EIS/EIR has closed, staff recommends denial of this motion.***

***PCAC Recommendation No. 88 requests the Board direct staff to develop a new alternative containing a number of elements for incorporation into the San Pedro Waterfront Draft EIS/EIR before its release for public review. Staff conducted extensive community outreach and considered elements recommended by the PCAC for inclusion in the Draft EIS/EIR. Staff recommends denial of this motion since the Draft EIS/EIR, which was released in September of 2008, did include a reasonable range of alternatives including Alternative 4, which analyzed cruise activities only in the Inner Harbor and did not include an Outer Harbor cruise facility. In addition, Alternative 4 and other alternatives considered in the Draft EIS/EIR document did include elements identified in Recommendation No. 88 and staff has considered other elements in their response to comments in the Final EIR.***

***PCAC Recommendation No. 89 requests that the San Pedro Waterfront Draft EIS/EIR investigate an alternative that berths a cruise ship along the Main Channel with a water cut to offset navigation problems. Since the Draft EIS/EIR included a discussion of alternative berthing locations along the Main Channel, and dismissed such locations as infeasible, staff recommends approval of this PCAC motion.***

***The PCAC submitted Recommendation No. 91 requesting the City of Los Angeles Harbor Department (Harbor Department) designate 20 minutes during the Waterfront Draft EIS/EIR public hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and that the LA Working Group be allowed to present its plan to the public via the Harbor Department email list as well as have it posted prominently on the Port of***

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

7. (Continued)

*Los Angeles (Port) website, with links from the Waterfront Draft EIS/EIR page. Staff recommends approval of this motion in part, since the Sustainable Waterfront Plan was presented during the Draft EIS/EIR public hearing and a link was placed on the Port website to the presentation materials and plan. However, staff recommends against distributing the information via e-mail using the Harbor Department's email list.*

**Recommendation:** Board resolve to (1) consider and deny PCAC Recommendation No. 86, that the San Pedro Waterfront Draft EIS/EIR public review and comment period be extended to 90-days; (2) consider and deny PCAC Recommendation No. 88 to include another alternative in the Draft EIR recognizing that many elements identified in the motion were included in the proposed Project, Alternative 4 and other alternatives; (3) consider and approve PCAC Recommendation No. 89 since the Draft EIS/EIR for the San Pedro Waterfront included consideration of two other alternatives that berth a cruise ship along the Main Channel with a water cut; (4) consider and approve in part and deny in part PCAC Recommendation No. 91. Approve Recommendation No. 91 with regard to the presentation of the Sustainable Waterfront Plan by the LA Working Group during the public hearing for the San Pedro Waterfront Draft EIS/EIR and providing a link to the plan on the Port website. Deny Recommendation No. 91 with regard to distributing the plan via e-mail using the Harbor Department email list; and (5) adopt Resolution No. \_\_\_\_\_ confirming staff's findings and recommendations, as set forth in the discussion of the Board Letter.

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

SUPPLEMENTAL PAGE

CONSENT ITEMS CONTINUED

Environmental Management

7. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATIONS NOS. 86, 88, 89 AND 91
- SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 86 requests the Board of Harbor Commissioners (Board) to authorize 90 days for comment from the day the San Pedro Waterfront Draft Environmental Impact Report/Environmental Impact Statement (Draft EIS/EIR) is released for public review. After release of the document, the public review period was extended from 60- to 77-days in response to public requests. Since the public comment period on the Draft EIS/EIR has closed, staff recommends denial of this motion. PCAC Recommendation No. 88 requests the Board direct staff to develop a new alternative containing a number of elements for incorporation into the San Pedro Waterfront Draft EIS/EIR before its release for public review. Staff conducted extensive community outreach and considered elements recommended by the PCAC for inclusion in the Draft EIS/EIR. Staff recommends denial of this motion since the Draft EIS/EIR, which was released in September of 2008, did include a reasonable range of alternatives including Alternative 4, which analyzed cruise activities only in the Inner Harbor and did not include an Outer Harbor cruise facility. In addition, Alternative 4 and other alternatives considered in the Draft EIS/EIR document did include elements identified in Recommendation No. 88 and staff has considered other elements in their response to comments in the Final EIR. PCAC Recommendation No. 89 requests that the San Pedro Waterfront Draft EIS/EIR investigate an alternative that berths a cruise ship along the Main Channel with a water cut to offset navigation problems. Since the Draft EIS/EIR included a discussion of alternative berthing locations along the Main Channel, and dismissed such locations as infeasible, staff recommends approval of this PCAC motion. The PCAC submitted Recommendation No. 91 requesting the City of Los Angeles Harbor Department (Harbor Department) designate 20 minutes during the Waterfront Draft EIS/EIR public hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and that the LA Working Group be allowed to present its plan to the public via the Harbor Department email list as well as have it posted prominently on the Port of***

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2  
TUESDAY, SEPTEMBER 29, 2009 AT 5:00 P. M.  
LIBERTY HILL PLAZA  
100 WEST 5TH STREET  
SAN PEDRO, CA 90731

7. (Continued)

*Los Angeles (Port) website, with links from the Waterfront Draft EIS/EIR page. Staff recommends approval of this motion in part, since the Sustainable Waterfront Plan was presented during the Draft EIS/EIR public hearing and a link was placed on the Port website to the presentation materials and plan. However, staff recommends against distributing the information via e-mail using the Harbor Department's email list.*

**Recommendation:** Board resolve to (1) consider and deny PCAC Recommendation No. 86, that the San Pedro Waterfront Draft EIS/EIR public review and comment period be extended to 90-days; (2) consider and deny PCAC Recommendation No. 88 to include another alternative in the Draft EIR recognizing that many elements identified in the motion were included in the proposed Project, Alternative 4 and other alternatives; (3) consider and approve PCAC Recommendation No. 89 since the Draft EIS/EIR for the San Pedro Waterfront included consideration of two other alternatives that berth a cruise ship along the Main Channel with a water cut; (4) consider and approve in part and deny in part PCAC Recommendation No. 91. Approve Recommendation No. 91 with regard to the presentation of the Sustainable Waterfront Plan by the LA Working Group during the public hearing for the San Pedro Waterfront Draft EIS/EIR and providing a link to the plan on the Port website. Deny Recommendation No. 91 with regard to distributing the plan via e-mail using the Harbor Department email list; and (5) adopt Resolution No. \_\_\_\_\_ confirming staff's findings and recommendations, as set forth in the discussion of the Board Letter.