

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JULY 5, 2007, 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 MUST 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  
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**B.    COMMENTS FROM THE PUBLIC**

**C.    REPORT OF THE EXECUTIVE DIRECTOR**

**D.    REPORTS OF COMMISSIONERS**

**E.    PRESENTATIONS**

1.    CAAP Quarterly Status Report to the Board

**F.    BOARD COMMITTEE REPORTS**

**G.    APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the regular meeting of the Los Angeles Board of Harbor Commissioners of May 17, 2007, for approval.

AGENDA OF THE SPECIAL MEETING OF THE  
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H. REPORTS OF THE EXECUTIVE DIRECTOR

**Consent Items (1-3)**

**Environmental**

1. Re: APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE PORTS OF LOS ANGELES AND LONG BEACH, CALIFORNIA STATE LANDS COMMISSION AND APL FOR A SHIPBOARD BALLAST WATER TREATMENT SYSTEM TECHNOLOGY TESTING

*SUMMARY: This Board item requests that the Board of Harbor Commissioners approve the allocation and expenditure of \$250,000 to test a full-scale shipboard ballast water treatment system technology. A ballast water treatment system will be installed aboard an APL vessel calling in the San Pedro Bay and tested for its efficacy to remove aquatic invasive species, and reduce ballast tank corrosion. Participants in this project include the California State Lands Commission, Port of Los Angeles, Port of Long Beach, and APL. This action will authorize the Executive Director to negotiate the terms of the four party MOA for a period of three years for a not-to-exceed amount of \$250,000.*

**Recommendation:** Resolve that (1) the Board find that supporting the ballast water treatment system testing is consistent with the public trust for navigation, commerce, recreation, and fisheries; and (2) the Executive Director be authorized to negotiate a four-party Memorandum of Agreement (including acceptable intellectual property rights language) between POLA, POLB, CLSC, and APL to fund the engineering component of a shipboard ballast water treatment system, and the Executive Director and Board Secretary be authorized to execute and attest to such four-party MOA.

AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4  
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2. Re: PERSONAL SERVICE AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND AMEC EARTH & ENVIRONMENTAL, INC., NAUTILUS ENVIRONMENTAL, AND WESTON SOLUTIONS, INC. TO CONDUCT DREDGED MATERIAL EVALUATIONS AND WATER AND SEDIMENT QUALITY ANALYSES

*SUMMARY: Port staff recommends approval of agreements with AMEC Earth & Environmental, Inc., Nautilus Environmental, and Weston Solutions, Inc., to conduct water and sediment quality studies, bioassay and chemical analyses; prepare reports detailing the suitability of dredged material for disposal; perform water quality monitoring and analyses; to perform biological surveys; and to provide other as-needed technical services. The agreements would be for a term of three years and a total not-to-exceed amount of \$6,000,000.*

**Recommendation:** Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreements can be performed more feasibly by independent consultants rather than by City employees; (2) the three agreements, for a term of 3 years each, with a combined total, not-to-exceed \$6,000,000 awarded as set forth in the Board report, be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said Agreements, for and on behalf of the Board.

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Accounting and Budget Division

3. Re: APPROVAL OF PROPOSED PERSONAL SERVICES AGREEMENT WITH MACIAS GINI & O'CONNELL, LLP TO PROVIDE FINANCIAL AUDITING SERVICES

*SUMMARY: The proposed three-year agreement with Macias Gini & O'Connell, LLP ("Macias Gini"), 515 South Figueroa Street, Suite 325, Los Angeles, California 90071, provides for professional services to perform the Department's annual financial statement audits, single audits, and other financial auditing services, including the Los Angeles Harbor Improvement Corporation. The Agreement is for a not-to-exceed amount of \$406,219, including related expenses.*

**Recommendation:** Resolve that (1) the Board find that in accordance with City Charter Section 1022, the services under the subject personal services agreement are of a professional, expert, and technical nature, which can only be performed by an independent licensed certified public accounting firm; (2) the proposed Agreement at a not-to-exceed amount of \$406,219, including related expenses, for a period of three (3) years, with Macias, Gini, and O'Connell, LLP to provide services for annual audit, single audit, and other miscellaneous financial services be approved; (3) the Resolution authorizing the appropriation of \$277,720 from the Unappropriated Balance to Account 54420 (Audit Fees and Services), Center 0630 (Accounting & Budget), for future year commitments of \$135,260 for Fiscal Year 2009 and \$142,460 for Fiscal Year 2010 be adopted; and (4) the Executive Director and Board Secretary be authorized to execute and attest to said proposed Agreement for and on behalf of the Board.

AGENDA OF THE SPECIAL MEETING OF THE  
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## Regular Items (4 & 5)

### Environmental

4. Re: PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND LLOYD'S REGISTER QUALITY ASSURANCE INC. FOR ISO 14001 CERTIFICATION OF THE CONSTRUCTION AND MAINTENANCE DIVISION ENVIRONMENTAL MANAGEMENT SYSTEM

*SUMMARY: Staff is recommending approval of an agreement with Lloyd's Register Quality Assurance, Inc., to provide ISO 14001 certification of the Port's Environmental Management System (EMS). The EMS was implemented at the Port of Los Angeles, Construction and Maintenance (C & M) Division in January 2004. The C & M EMS has provided a structured approach to improve environmental performance as well as operational efficiencies in day-to-day operations. The agreement would provide the Port of Los Angeles with audit, certification and surveillance services of the EMS in compliance with ISO 14001. The contract would be for a term of three years for a not-to-exceed amount of \$25,000.*

**Recommendation:** Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreement can be performed more feasibly by independent consultants rather than by City employees; (2) the subject Agreement with Lloyd's Register Quality Assurance for a term of three years and a total amount not-to-exceed \$25,000 be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board.

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Real Estate

5. Re: PROPOSED INTERIM REVOCABLE PERMIT TO  
PARAMOUNT PETROLEUM CORPORATION FOR  
EXISTING PIPELINE RIGHT-OF-WAY IN  
WILMINGTON

*SUMMARY: It is proposed that Paramount Petroleum Corporation (PPC) be issued a revocable permit for four (4) existing pipeline rights-of-way, which are used to transport semi-refined black oil products from the PPC refinery in the City of Paramount to refineries near the Port for further processing. These pipelines are currently owned and operated by Kinder Morgan (formerly GATX Terminals Corporation). However, effective June 30, 2007, PPC is purchasing the pipelines from Kinder Morgan. The pipeline rights-of-ways total approximately 22,447 square feet, commencing near Berth 173 in Wilmington and terminating at Wilmington Blvd and Harry Bridges, as depicted on the attached map. The pipeline rights-of-way PPC is purchasing from Kinder Morgan will continue to be used for the construction, operation, and maintenance of pipelines transporting petroleum crude, petroleum distillate, and petroleum gas.*

**Recommendation:** Adoption of the Order approving the proposed interim revocable permit with Paramount Petroleum Corporation, based on the terms and conditions as set forth in the Board report.

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**I.      CLOSED SESSION**

1.      Discussion of pending litigation entitled: Alice J. Bradfield, et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC322640, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
  
2.      Discussion of pending litigation entitled: City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
  
3.      Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [one (1) potential case].
  
4.      Discussion with legal counsel concerning significant exposure to litigation (one case) pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.