

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, DECEMBER 20, 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 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

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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-7)

Environmental Management

1. Re: APPROVAL OF 23 PROJECTS UNDER THE PORT OF LOS ANGELES AIR QUALITY MITIGATION INCENTIVE PROGRAM

SUMMARY: In accordance with the 2004 Amended Stipulated Judgment (ASJ) for the China Shipping Terminal, Berths 97-109, the Port of Los Angeles implemented a series of environmental programs designed to improve the area's air quality and quality of life. As part of the settlement, the Port established an Air Quality Mitigation Incentive Program (AQMIP) and committed \$20 million to pay for air mitigation projects over 5 years. Now in its fourth year, staff recommends approval of 23 projects for a cumulative amount not-to-exceed \$9,175,636. The projects were recommended by the Technical Advisory Committee (TAC) and approved by the PCAC Air Quality Subcommittee, and the Port Community Advisory Committee (PCAC).

Recommendation: Board resolve that (1) the 23 Air Quality Mitigation Incentive Program projects listed on Transmittal 1 for a cumulative amount not-to-exceed \$9,175,636 be approved; (2) the Executive Director be directed to execute the 2 agreements listed on Transmittal 2; (3) the Executive Director and the Board Secretary be authorized to execute and attest to the 9 agreements listed on Transmittal 3; (4) the Executive Director and the Board Secretary be authorized to execute and attest to the 12 agreements listed on Transmittal 4; and (5) the Board Secretary be directed to forward the 12 agreements listed on Transmittal 4 to the City Council for its approval pursuant to Section 373 of the City Charter.

Commission Office

2. Re: RESOLUTION AUTHORIZING COMMISSIONER JOSEPH RADISICH TO TRAVEL TO ASIA, JANUARY 6, 2008 TO JANUARY 18, 2008 FOR A BUSINESS DEVELOPMENT TRIP

Recommendation: Adoption of the subject resolution.

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3. Re: RESOLUTION APPOINTING BOARD MEMBERS TO THE AD-HOC COMMITTEE ON GREEN GROWTH
Recommendation: Adoption of the resolution appointing President S. David Freeman as Chair and Commissioner Jerilyn López Mendoza as Member of the Ad-Hoc Committee on Green Growth.

Engineering

4. Re: TRANSFER OF FUNDS TO THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF STREET SERVICES, FOR STREET RESURFACING IN WILMINGTON INDUSTRIAL PARK IN WILMINGTON, CALIFORNIA
SUMMARY: This authorization transfers funds to the Department of Public Works, Bureau of Street Services for the purpose of paving 3.2 miles of streets in the Wilmington Industrial Park area for a total estimated cost of \$2,176,522. The proposed work will repair streets damaged by Port related traffic and use.
Recommendation: Board resolve that (1) the Executive Director be authorized to execute the transfer of \$2,176,522 from the Capital Improvements Budget, Account 54510, Center No. 1000, Program No. 000 to the Maintenance Improvement Program Budget, Account No. 57045, Center No. 0311, Program No. 000 for the current fiscal year; (2) the transfer of \$2,176,522 from Maintenance Improvement Program Budget, Account No. 57045, Center No. 0311, Program No. 000 to the Department of Public Works, Bureau of Street Services Fund No. 100, resurfacing 3.2 miles of street in Wilmington Industrial Park in Wilmington, California be approved, subject to Mayor and City Council approval; and (3) the Executive Director and Board Secretary be authorized to execute and forward this action to the Mayor and City Council for necessary actions.

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5. Re: LOS ANGELES MUNICIPAL CODE ORDINANCE
AMENDMENT RADAR ENFORCEMENT SPEED ZONES
ON TERMINAL ISLAND

SUMMARY: The Los Angeles Port Police have requested the establishment of radar enforceable speed zones on designated Port streets. This Board action will allow the enforcement of these speed limits with the use of radar.

Recommendation: Board resolve that (1) the attached City Attorney's draft ordinance be approved by amending Section 80.81 of the LAMC to change the speed limit along the following street segments: (a) Earle Street between Terminal Way and Marina Way – modify an existing 35 miles per hour speed limit to a new 40 miles per hour speed; (b) south Seaside Avenue between Terminal Way and Terminus s/o Wharf Street – modify an existing 25 miles per hour speed limit to a new 30 miles per hour speed limit; and (c) Navy Way between Terminal Way and Maersk-Sealand Container Terminal entrance – modify an existing 35 miles per hour speed limit to a new 45 miles per hour speed limit; (2) the attached City Attorney's draft of an ordinance be approved by amending Section 80.81 of the LAMC to establish a prima facie speed limit along the following street segments: (a) Navy Way between Maersk-Sealand Container Terminal's entrance and Southerly Terminus – establish at 35 miles per hour speed limit; (b) Terminal Way between South Seaside Avenue and Ferry Street – establish a 35 miles per hour speed limit; and (c) Terminal Way between Ferry Street and Reeves Avenue/Navy Way – establish 40 miles per hour speed limit; (3) it recommend to the City Council that they approve the attached draft ordinance establishing the recommended speed limits; and (4) it forward two copies of this report and the draft ordinances to the City Clerk for assignment of council file number and transmittal to the City Council. (Filing to the Los Angeles Superior Court, San Pedro Courthouse)

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Public Affairs & Legislative Affairs

6. Re: APPROVAL OF A FIRST AMENDMENT TO AGREEMENT NO. E6371 WITH ANGEL CITY PRESS FOR THE DISTRIBUTION OF A PICTORIAL HISTORY BOOK

SUMMARY: Agreement No. E6371 with Angel City Press, 2118 Wilshire Boulevard, Suite 880, Santa Monica, CA 90403, calls for research, design and publication of "Port of Los Angeles – An Illustrated History from 1850 to 1945," as part of the Centennial celebration. Angel City Press specializes in publications about the history and culture of the Los Angeles region. The Port initially ordered 3,000 copies of the Port book for internal distribution, for distribution to libraries and schools, and as a public outreach tool. This Amendment allows Angel City Press to distribute and market an additional 1,000 books to commercial outlets on behalf of the Port and to complete additional print runs if the demand is strong. The proposed First Amendment increases the not-to-exceed amount by \$50,000 and extends the term of the agreement by two years.

Recommendation: Board resolve that the First Amendment to Agreement No. E6371 with Angel City Press to distribute 1,000 copies of "Port of Los Angeles – An Illustrated History From 1850 to 1945," be approved; and the total not-to-exceed amount of the contract from \$150,000 to \$200,000 for a three-year period be increased.

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Real Estate Division

7. Re: AGREEMENT FOR LANDING OF CRANES BETWEEN
THE CITY OF LOS ANGELES AND TRAPAC, INC. AND
NOTIFICATION OF NAME CHANGE

SUMMARY: Under the proposed agreement, the City of Los Angeles (City) would reimburse TraPac, Inc. for costs associated with the delay in delivering two new container cranes to the TraPac terminal. The reimbursement is in consideration for, among other things, TraPac's agreement to release and hold the City harmless from any claims related to the City's extension of the comment period for the environmental document on the TraPac's expansion project. This report shall also serve as formal notification to the Board of the tenant's name change.

Recommendation: Board resolve that (1) the Order approving the Agreement for Landing of Cranes between the City of Los Angeles and TraPac, Inc. be adopted; and (2) the transfer of funds in the amount of \$1,100,000 from the Land Acquisitions Budget Account 59993 Center 1800 to Real Estate operating Budget Property Rental Account 59955 Center 0424 be authorized.

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Regular Item No. 8

Environmental

8. Re: PERMANENT ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4 BY ESTABLISHING A CLEAN TRUCK FEE AND A CLEAN TRUCK FUND

SUMMARY: The Ports of Long Beach and Los Angeles (Ports) have jointly developed the San Pedro Bay Ports Clean Trucks Program (CTP) as the first major element of their Clean Air Action Plan (CAAP). The CTP will require that to be admitted to the Ports in 2012 the fleet of approximately 16,800 drayage trucks serving the Ports must meet, be replaced or retrofitted to USEPA 2007 emissions standards. As the first key step of a phased implementation of this program, the Board of Harbor Commissioners approved a tariff on November 1, 2007, that achieves a substantial reduction in air pollution through the progressive ban of older, dirtier trucks calling at the Ports. As the next step in the phased implementation of this program, staff recommends adoption of several tariff items to implement a Clean Truck Fee in order to help finance the replacement or retrofit of non-compliant trucks, as well as associated Port administrative costs. The Clean Truck Fee would be assessed on containerized merchandise, paid by the Beneficial Cargo Owner, and collected by Terminal Operators at a rate of thirty-five dollars (\$35) per twenty foot equivalent (TEU) on every loaded container entering or leaving the Port by drayage truck. The Clean Truck Fee would not be assessed on any containers entering or leaving the Ports by rail or on any containers moved between two Terminals within the Ports. The tariff would further establish that all monies collected under the Clean Truck Fee would be used exclusively for the replacement and retrofit of drayage trucks serving the Ports of Los Angeles and Long Beach. Staff is developing a fee reduction or credit program for companies that invest in 2007 compliant trucks with their own funds and which perform drayage in the Ports consistent with Port requirements.

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8. *(Continued)*

Finally, the tariff would clarify gate access requirements to provide Terminal Operators with the option of using an Optical Character Recognition (OCR) device, and other acceptable means, in addition to radio frequency identification devices, to confirm compliance with CTP requirements prior to access by any Drayage Truck to a Terminal.

Recommendation: Board resolve that (1) an amendment to Port of Los Angeles Tariff No. 4 entitled Permanent Order Amending Port of Los Angeles Tariff No. 4 by establishing a Clean Truck Fee and a Clean Truck Fund (Transmittal 1) be approved. Among other things, the tariff amendment would: (a) implement a Clean Truck Fee to be assessed on containerized merchandise, paid by the Beneficial Cargo Owner, and collected by Terminal Operators at a rate of thirty-five dollars (\$35) per twenty foot equivalent (TEU) on every loaded container entering or leaving the Port by Drayage Truck; (b) establish that all monies collected under the Clean Truck Fee would be held in a Clean Truck Fund; and (c) provide terminal operators with the option of using Optical Character Recognition (OCR) readers to confirm compliance with CTP requirements prior to entry by any Drayage Truck; (2) an Order approving the amendment to the Tariff (Transmittal 2) be adopted; (3) the form of Ordinance (Transmittal 3) be approved; (4) staff be directed to return to the Board of Harbor Commissioners in January or early February 2008 with recommendations for action on the following: (a) a program to register the Licensed Motor Carriers that would provide drayage services at the Ports, in order to further the Ports' goals; (b) an incentive program for companies that invest in 2007 compliant trucks with their own funds and which perform drayage in the Ports consistent with Port requirements; (c) a funding structure with options for the acquisition and financing of replacement or retrofit of equipment and trucks that would be compliant with USEPA's 2007 On-road Heavy Duty Diesel emissions standards; (d) a plan for the successful integration of the U.S. Department of Homeland Security Transportation Worker Identification Credential (TWIC) program, which is expected to begin program implementation in the Ports of Los Angeles and Long Beach in mid-December; (e) a framework for a cargo fee to be developed in January 2008 to support local and regional port-related infrastructure that would

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8. (Continued)

be separate from, and independent of the Clean Truck Fee; (5) the Board Secretary be directed to transmit to the City Council for approval of the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); and (6) the Board Secretary be authorized to execute the proposed permanent Board 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's website as regulated by the Federal Maritime Commission.

G. CLOSED SESSION

1. Discussion of pending litigation entitled: City of Los Angeles v. San Pedro Boat Works, Inc., et al., United States District court Case No. CV-02-7986 MRP (JWJx), pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
2. Discussion with legal counsel concerning significant exposure to litigation [one (1) potential case], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.