

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JULY 2, 2009 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS  
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**

**F. PRESENTATION**

**G. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1- 4)**

**Environmental**

1. Re: RESOLUTION NO. \_\_\_\_\_ - AIR QUALITY MITIGATION  
INCENTIVE PROGRAM GRANT AGREEMENT WITH ENGINE  
CONTROL SYSTEMS FOR DEMONSTRATION OF DIESEL  
EMISSIONS CONTROL SYSTEM

*SUMMARY: Engine Control Systems Ltd. (ECS) will install and demonstrate their Combifilter diesel particulate filter on three rubber-tired gantry (RTG) cranes at the Ports America terminal. Each of the three cranes has a different make and model engine, and the implementation of this demonstration project will enable ECS to conduct filter durability tests and seek verification for each of the RTG engines. ECS is targeting 85% control of diesel emissions from this technology resulting in significant reductions in air emissions from retrofitted RTGs.*

*This project was approved by the Board of Harbor Commissioners (Board) in December 2007 as part of the City of Los Angeles Harbor Department's (Harbor Department) 2006-2007 Air Quality Mitigation Incentive Program.*

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1. (Continued)

*At that time, the project cost was \$147,288 and the Board was informed that the Harbor Department would enter into an Executive Director agreement with ECS. The project cost is now \$220,800 which exceeds the limit for an Executive Director agreement. It is recommended that the Board approve the agreement with ECS for \$220,800 for the demonstration and testing of the ECS Combifilter on three RTGs.*

**Recommendation:** Board resolve to (1) approve the Agreement between the City of Los Angeles Harbor Department and Engine Control Systems Ltd. in an amount not to exceed \$220,800; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Agreement with Engine Control Systems; and (3) adopt Resolution No. \_\_\_\_\_.

**Engineering**

2. Re: RESOLUTION NO. \_\_\_\_\_ MEMORANDUM OF UNDERSTANDING NO. P00F1199 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AGENCY FOR THE SOUTH WILMINGTON GRADE SEPARATION PROJECT

***SUMMARY:*** *On September 27, 2007, the Los Angeles County Metropolitan Transportation Agency (LACMTA) awarded the City of Los Angeles Harbor Department (Harbor Department) a Proposition C grant for the South Wilmington Grade Separation project in the amount of \$19,288,000, under LACMTA's 2007 Call for Projects. LACMTA's Proposition C grant is a reimbursement grant, and LACMTA requires the Harbor Department to execute a Memorandum of Understanding (MOU) between the City of Los Angeles and LACMTA to seek reimbursement on a quarterly basis. As required by the Proposition C Grant, Harbor Department will pay at least 37.7% of the project construction costs which is estimated to be \$22,001,000. The estimated construction cost of the project is \$58,289,000 which includes the sum of the LACMTA awarded amount (\$19,288,000), plus the required 37.7% Harbor Department cost share amount (\$22,001,000), plus a previously awarded Proposition 1B amount (\$17,000,000). The LACMTA 2007 Call for Projects Award No. F1199 grant award is being submitted to the Board of Harbor Commissioners (Board) for the execution of the agreement (MOU) between the LACMTA and the Harbor Department.*

**Recommendation:** Board resolve to (1) accept the LACMTA 2007 Call for Projects Award No. F1199 in the amount of \$19,288,000, between LACMTA and the Harbor Department; (2) authorize the Executive Director and the Board Secretary to execute and attest to said MOU on behalf of the Board;

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2. (Continued)

(3) upon execution of the LACMTA 2007 Call for Projects Proposition C Memorandum of Understanding (MOU) by the Executive Director, authorize the Board Secretary to mail three (3) originals of the agreement to Los Angeles County Metropolitan Transportation Agency, One Gateway Plaza, MS 99-22-3, Los Angeles, CA 90012-2952; and (4) adopt Resolution No. \_\_\_\_\_.

**Information Technology**

3. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH COMPUCOM SYSTEMS FOR COMPUTER SOFTWARE AND RELATED SUPPORT SERVICES

*SUMMARY: The Information Technology Division (ITD) is requesting approval to award an agreement to Compucom Systems in an amount not-to-exceed \$3,000,000 for the purchase of computer software, annual computer software license renewals, and related support services in support of on-going operations. The requested amount is approximately equal to the Harbor Department's historical server-based computer software expenses and the current approved budget for these types of purchases. The recommendation to select Compucom Systems is based on the competitive bid process performed by the City of Los Angeles, General Services Department for its contract ID 58636. The term of the agreement is up to three years.*

**Recommendation:** Board resolve to (1) find that in accordance with City Charter Section 10.15, the competitive contracting requirement is met using the responses from the City's Request for Bids (RFB), which resulted in the City awarding its current contract ID 58636; (2) approve the agreement with Compucom Systems for the purchase of computer software and related support services for an amount not-to-exceed \$3,000,000 with an expiration term of up to three years from the date of execution; (3) authorize the Executive Director or designee to execute the agreement and two renewal options, and authorize the Board Secretary to attest to said agreement; and (4) adopt Resolution No. \_\_\_\_\_.

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Real Estate

4. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED JOINT REVOCABLE PERMIT BETWEEN THE LOS ANGELES HARBOR DEPARTMENT, PORT OF LONG BEACH, AND ARCO TERMINAL SERVICES CORPORATION – LAHD 70049

**SUMMARY:** *The proposed joint revocable permit (JRP) between the Los Angeles Harbor Department (Harbor Department), the Port of Long Beach (POLB), and ARCO Terminal Services Corporation (ARCO) is required for replacement of Pipeline No. 71 and replacement and relocation of Pipeline No. 79 under existing Lease Audit Nos. 8713 and 105747, respectively. Both existing 12" oil pipelines currently cross the railroad property jointly owned by the Harbor Department and POLB. The proposed relocation of Pipeline No. 79 is to improve accessibility for maintenance purposes by aligning the pipeline next to the less obstructed Pipeline No. 71. These new pipelines will transport fuel oil from Chemoil's tank farm in the City of Carson to ARCO's marine terminals in the City of Long Beach, near Pier B. The location of the pipeline project is approximately 221 feet south of Willow Street and west of the Terminal Island Freeway, as depicted in Transmittal 2.*

**Recommendation:** Board resolve to (1) approve the proposed JRP with ARCO to allow the replacement of Pipeline No. 71 and the replacement and relocation of Pipeline No. 79; (2) authorize the Executive Director to execute and the Board Secretary to attest to the proposed JRP; and (3) adopt Resolution No. \_\_\_\_\_.

Regular Item (5)

Planning and Research

5. Re: RESOLUTION NO. \_\_\_\_\_ PORT MASTER PLAN AMENDMENT NO. 25 – CHINA SHIPPING CONTAINER TERMINAL LAND USE DESIGNATION AND LANDFILL

**SUMMARY:** *Staff recommends that the Board of Harbor Commissioners (Board) adopt Port Master Plan Amendment No. 25 (Amendment No. 25), and authorize the Executive Director to submit Amendment No. 25 to the California Coastal Commission for certification, as required by the California Coastal Act. Amendment No. 25 would add general cargo as a permitted use on the eight acres of land currently designated as "Other" (e.g., vacant land, utilities and roadways, and areas not designated for a*

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5. (Continued)

*specific use), located at the northernmost edge of Berths 97-109. This amendment would also allow a 1.2-acre fill (approximately 24,000 cubic yards) behind the southern end of the proposed wharf extension at Berth 100. General cargo and "Other" would be the designated land uses on this fill.*

**Recommendation:** Board resolve to (1) adopt Amendment No. 25; (2) authorize the Executive Director to submit Amendment No. 25 to the California Coastal Commission for certification; and (3) 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.
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 of pending litigation entitled: **City of Riverside v. City of Los Angeles, et al.**, Orange County Superior Court Case No. 30-2009-00123216, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

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**H. CLOSED SESSION (Continued)**

- 5. Discussion of pending litigation entitled: Joseph Sanchez v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC410927, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 6. Discussion of pending litigation entitled: Alicia Unger v. City of Los Angeles, et al., United States District Court Case No. CV 08-02139 SVW, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 7. Discussion of pending litigation entitled: Alicia Unger v. Sgt. Kevin McCloskey, Los Angeles Superior Court Case No. NC042952, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 8. Discussion of pending litigation entitled: The United States of America ex rel. State of California ex rel. Stanley D. Mosler v. City of Los Angeles, et al., United States District Court Case No. 02-02278-SJO, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 9. 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.**
- 10. Discussion of significant exposure to litigation relating to the claim presented by Halcrow, Inc. for compensation, pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 11. Evaluation of Executive Director in accordance with Section 604(b) of the Los Angeles City Charter, pursuant to Section 54957 of the California Government Code.**