

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, AUGUST 5, 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  
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**

LA Waterfront Update

**D. REPORTS OF THE COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATIONS**

Zero Emissions Container Mover System - University of Southern California Keston Institute for Public Finance and Infrastructure Policy

**G. BOARD REPORT OF THE EXECUTIVE DIRECTOR**

**CONSENT ITEMS (1 & 2)**

**Clean Truck Program**

1. Re: RESOLUTION NO. \_\_\_\_\_ - ALTERNATIVE FUEL TRUCK PROGRAM: THIRD AMENDMENT TO MEMORANDUM OF UNDERSTANDING AMONG THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AND THE CITIES OF LOS ANGELES AND LONG BEACH

***SUMMARY: The requested action is for the Board of Harbor Commissioners (Board) to approve the Third Amendment to the Memorandum of Understanding (MOU), dated June 30, 2010, among the South Coast Air Quality Management District (AQMD), City of Los Angeles Harbor Department (Harbor Department), and City of Long Beach (Port of Long Beach or POLB) that establishes the Alternative Fuel Truck Grant Program. The proposed Third Amendment would: (i) extend the deadline for putting alternative fuel trucks into service from June 30, 2010 to July 31, 2010, and (ii) extend the deadline for AQMD's completion of payments***

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1. (Continued)

*to grantees in connection with Alternative Fuel Truck Grant Program from July 31, 2010 to August 31, 2010.*

**Recommendation:** Board resolve to (1) approve the Third Amendment among the South Coast Air Quality Management District, City of Los Angeles, and City of Long Beach (Transmittal 1); (2) authorize the Executive Director to execute and the Board Secretary to attest to the Third Amendment; and (3) adopt Resolution No. \_\_\_\_\_.

**Environmental Management**

2. Re: RESOLUTION NO. \_\_\_\_\_ - PERSONAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES AND AMEC EARTH & ENVIRONMENTAL, INC., ANCHOR QEA, L.P., MERKEL & ASSOCIATES, INC., AND WESTON SOLUTIONS, INC., TO CONDUCT WATER QUALITY, SEDIMENT QUALITY, AND BIOLOGICAL RESOURCES SERVICES

***SUMMARY:*** Staff recommends approval of Agreements with AMEC Earth & Environmental, Inc. (San Diego, CA), Anchor QEA, L.P. (Mission Viejo, CA), Merkel & Associates, Inc. (San Diego, CA), and Weston Solutions, Inc. (Carlsbad, CA), to provide technical support for water and sediment quality programs, biological resources management, and regulatory program development and compliance. The Agreements would be for a term of three years each and for a combined total amount of \$9,200,000.

**Recommendation:** Board resolve to (1) 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; and (2) approve the four personal services Agreements for a term of three years each, with a combined total of \$9,200,000. The funds would be awarded as follows:

- a. Agreement with AMEC Earth & Environmental, Inc. for \$3,200,000;
- b. Agreement with Anchor QEA, L.P. for \$2,600,000;
- c. Agreement with Weston Solutions, Inc. for \$2,600,000; and
- d. Agreement with Merkel & Associates, Inc. for \$800,000;

(3) authorize the Executive Director to execute and the Board Secretary attest to said Agreements, for and on behalf of the Board; and (4) adopt Resolution No. \_\_\_\_\_.

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**REGULAR ITEMS (3 - 5)**

**Real Estate**

3. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED SECOND AMENDMENT TO PERMIT NO. 827 WITH APM TERMINALS PACIFIC, LTD.

*SUMMARY: Permit No. 827 between the City of Los Angeles Harbor Department (Harbor Department) and APM Terminals Pacific, Ltd. (APMT) grants preferential nonexclusive use of 512.36 acres at Berths 401-406 on Terminal Island for container terminal operations. Permit No. 827 requires compensation to be reset every five years, with a required compensation reset due for the five-year period of August 1, 2007 through July 31, 2012. The proposed Second Amendment to Permit No. 827 would reset compensation for the five-year period of August 1, 2007 through July 31, 2012. It is proposed that compensation for August 1, 2007 through July 31, 2011 remains the same as the current compensation rates, and that on August 1, 2011, compensation rates be raised by 7.5 percent. The proposed Second Amendment also includes: 1) a credit for third-party business for the period of May 1, 2008 through April 30, 2011; 2) resolution of a pavement failure issue; 3) conditions for sublease consent; 4) corrections to the site map; and 5) an update to the Tenant contact information.*

**Recommendation:** Board resolve to (1) approve the proposed Second Amendment to Permit No. 827 APM Terminals Pacific, Ltd; (2) direct the Board Secretary to transmit the Second Amendment to the 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 Second Amendment upon approval by City Council; and (4) adopt Resolution No. \_\_\_\_\_.

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4. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED THIRD AMENDMENT TO PERMIT NO. 827 WITH APM TERMINALS PACIFIC, LTD.

***SUMMARY: Permit No. 827 between the Los Angeles Harbor Department (Harbor Department) and APM Terminals Pacific, Ltd. (APMT) grants preferential nonexclusive use of approximately 512 acres of land, berths, and facilities at Berths 401-406 on Terminal Island for container terminal operations. The first item before the Board of Harbor Commissioners (Board) is to affirm that a proposed sublease to California United Terminals, Inc. (CUT) conforms to the conditions for sublease under Permit No. 827 and consent to such sublease.***

***Following the Board's consent to sublease, the proposed Third Amendment to Permit No. 827 would provide for (i) assignment of APMT's premises expansion rights (Pier 500) to CUT, under certain conditions; (ii) a limitation on the TEU per acre rate increase charged to APMT if CUT executes a permit for Pier 500 and terminates the sublease; (iii) right of first refusal to APMT if CUT executes a permit for Pier 500 which is later terminated; and (iv) right of offer to APMT in the event that CUT proposes a change of control over the Pier 500 permit.***

**Recommendation: Board resolve to (1) affirm that a proposed sublease to California United Terminals, Inc. (CUT) conforms to the list of conditions of Section 11(b) of Permit No. 827, and consent to the sublease; (2) approve the proposed Third Amendment to Permit No. 827 APM Terminals Pacific, Ltd; (3) direct the Board Secretary to transmit the Third Amendment to the City Council for approval pursuant to Section 606 of the City Charter; (4) authorize the Executive Director to execute and the Board Secretary to attest to the Third Amendment upon approval by City Council; and (5) adopt Resolution No. \_\_\_\_\_.**

**Executive Offices**

5. Re: UPDATE AND BOARD CONSIDERATION OF THE FORMULATION OF THE NON-PROFIT ORGANIZATION TO OPERATE PORT COMMUNITY MITIGATION TRUST FUND (PCMTF) IN FULFILLMENT OF HARBOR DEPARTMENT AGREEMENT NO. 09-2764 KNOWN AS THE TRAPAC MEMORANDUM OF UNDERSTANDING

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**H. CLOSED SESSION**

**1. 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**

**2. 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 case.**