

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, NOVEMBER 2, 2006, AT 6:00 P.M.
BOARD HEARING ROOM, SECOND FLOOR
425 S. PALOS VERDES STREET
SAN PEDRO, CALIFORNIA**

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

(ROLL CALL)

**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.

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, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend. For additional information, please contact: Commission office, Harbor Department, tel./TDD (310) 732-3444.

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B. SPECIAL PRESENTATIONS

1. **Dr. John Haveman, Director, Economy Program
Public Policy Institute of California**

**Protecting the Nation's Seaports: Balancing Security
and Costs**

C. COMMENTS FROM THE PUBLIC

D. MISCELLANEOUS REPORTS

1. **Report of the Executive Director**
2. **Report of Commissioners**

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E. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3)

Homeland Security

1. Re: **PROPOSED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE PORT OF LOS ANGELES AND THE PORT OF SEATTLE FOR REIMBURSEMENT OF REMAINING BENCH TESTING FUNDS RELATED TO OPERATION SAFE COMMERCE PHASE III (OSC III)**

SUMMARY: On March 4, 2005, a letter of intent was received from U.S. Department of Homeland Security, Office of Grants and Training notifying plans to fund the Port of Los Angeles and the Port of Long Beach, through a modification to its cooperative agreement in the amount of \$6.7 million to fund Operations Safe Commerce, Phase III. Under this program, \$500,000 was equally distributed between the Ports of Los Angeles/Long Beach, Port of Seattle/Tacoma, and the Ports of New York/New Jersey (Load Centers) to fund their bench testing projects. The Port of Los Angeles was designated to oversee the budgets for all three Load Centers in the total amount of \$1.5 million. The Port of Los Angeles used an existing contract with Sandia National Laboratories for the bench testing. The Department of Homeland Security has authorized the Port of Los Angeles to act as a conduit through which funds will be reimbursed from the federal government to the Port of Seattle.

The Bench testing phase of Operation Safe Commerce has been completed and Sandia National Laboratories accomplished the tasks at less cost to each Load Center. The unexpended funds need to be allocated back to the respective Load Centers. As the grant managers we are responsible for returning unused funds back to the load centers for distribution to other projects. The reimbursement amount to the Port of Seattle will not exceed two hundred fifty-six thousand four hundred and forty-four dollars (\$256,444). The proposed MOU between the two ports memorializes the intent of the parties to reimburse the funds from the federal government to the Port of Seattle.

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1. (Continued)

Recommendation: Board resolve that (1) the proposed Memorandum of Understanding between the Port of Los Angeles and the Port of Seattle, be approved; and (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the proposed agreement.

Real Estate

2. Re: BRIDGE AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE YWCA OF THE HARBOR AREA TO OPERATE THE WORLDTOTS LA CHILD CARE CENTER

SUMMARY: Staff recommends approval of a third bridge agreement with the YWCA of the Harbor Area to continue operation of the WorldTots LA Child Care Center for an additional 120 days beginning November 8, 2006, during which time a successor multi-year agreement will be brought before the Board and the City Council for approval.

Recommendation: Resolve that (1) the Board find that, in accordance with Charter Section 1022, it is more feasible for this work to be done by an independent contractor than by City employees; and (2) the bridge agreement with the YWCA of the Harbor Area, effective November 7, 2006, for no more than 90 days, and in an amount not to exceed \$25,000, be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and to attest to the agreement.

Sufficient funds are available in the current FY 2006/2007 budget under Account No. 54290, Center No. 0424, Program 000, to fund this Agreement.

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Chief Financial Officer

3. Re: ADOPTION OF SPONSORSHIP/HOSTING POLICY
SUMMARY: The Los Angeles Harbor Department Sponsorship/Hosting Policy establishes the criteria by which the Port will provide sponsorships and will host events, including the serving of alcoholic beverages, as appropriate.
Recommendation: Adoption of the Los Angeles Harbor Department Sponsorship/Hosting Policy.

Regular Items (4 & 5)

City Attorney

4. Re: WAIVER OF POTENTIAL CONFLICT WITH RESPECT TO TERREE BOWERS' REPRESENTATION OF NATIONAL GYPSUM IN *ALICE BRADFIELD ET.AL. v. CHINA SHIPPING (NORTH AMERICA) HOLDING CO. LTD. ET. AL.*
Recommendation: Board resolve that it formally waive any potential conflict that might arise by way of former Chief Deputy City Attorney Terree Bowers' representation of National Gypsum in the case.

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Environmental Management

5. Re: APPROVAL OF THE FIRST AMENDMENT TO AGREEMENT NO. 2322 AND THE SECOND AMENDMENT TO AGREEMENT NO. 2323 BETWEEN THE CITY OF LOS ANGELES AND AMEC EARTH & ENVIRONMENTAL, INC. AND WESTON SOLUTIONS, INC., RESPECTIVELY

SUMMARY: Staff is recommending increasing contracts with AMEC Earth & Environmental and Weston Solutions by \$428,000 and \$392,953 respectively. The purpose of the agreements is to provide specialized services in the areas of sediment analysis, bioassay, water quality analysis and biological survey work. Augmentation of these agreements will allow continuation of ongoing project work until May of 2007, when a new consultant selection will occur.

Recommendation: Board resolve that (1) the Executive Director and Board Secretary be authorized to execute and attest to approval of the First Amendment to Agreement No. 2322 between the City of Los Angeles and AMEC Earth & Environmental, Inc. to increase the Agreement by \$428,000.00 for a total amount not-to-exceed \$2,178,000.00 through May 11, 2007; and (2) the Executive Director and Board Secretary be authorized to execute and attest to approval of the Second Amendment to Agreement No. 2323 between the City of Los Angeles and Weston Solutions, Inc. to increase the Agreement by \$392,953.00 for a total amount not-to-exceed \$2,142,953.00 through May 11, 2007.

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F. PCAC ADVISORY RECOMMENDATION

1. PCAC recommends to the Board of Harbor Commissioners that the Port find a more appropriate method/location for storing contaminated dredged materials, and phase out the 40-acre Anchorage Road Soil Storage Site, and:

- Restore and expand an existing wildlife habitat area;
- Provide needed water circulation within existing marinas; and
- Reduce contaminated sediments and improve water quality in the Consolidated Slip and Dominguez Channel, both of which are on the 303(d) list of impaired water bodies.

(Motion of the Wilmington Waterfront Development Subcommittee adopted at the October 17, 2006 PCAC meeting with the following votes:

Ayes: 9

Noes: 0

Abstentions: 0)

(See attachment for full motion)

2. PCAC recommends that the Board of Harbor Commissioners approve only those EIRs that mitigate any significant air quality impacts to a level of insignificance, and where all possible project-specific mitigations still result in a level of significance, mitigations are implemented on a Port-wide basis in order to meet the insignificant requirement.

(Motion of the Air Quality Subcommittee adopted at the October 17, 2006 PCAC meeting with the following vote:

Ayes: 12

Noes: 3

Abstentions: 4)

(See attachment for full motion)

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F. (Continued)

- 3. PCAC recommends that the Board of Harbor Commissioners**
- **Preserve all existing operable boat yards in the Port, assist boat yard owners in complying with current and future water quality and other environmental requirements and designate a site for at least one boat yard facility in or near the outer harbor;**
 - **Work with local professional boat repair specialists and boat owners' associations in preparing an in-water boat maintenance guidebook;**
 - **Set aside an area in the Port where boat owners can perform in-water boat maintenance.**
- (Motion of the Water Quality Subcommittee adopted at the April 18, 2006 PCAC meeting with the following vote:**
- Ayes: 18
Noes: 0
Abstentions: 0)**

(See attachment for full motion)

G. CLOSED SESSION

- 1. Discussion of pending litigation entitled: Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS070017, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 2. 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.**
- 3. 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.**