

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, FEBRUARY 4, 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
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. EXECUTIVE DIRECTOR REMARKS

D. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. APPROVAL OF MINUTES

Minutes of the special meetings of June 1, 2009, June 29, 2009 and September 29, 2009 (6:00pm) for approval.

G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 3)

Commission Office

1. Re: RESOLUTION NO. _____ - APPROVING THE TRAVEL FOR COMMISSIONER JOSEPH R. RADISICH TO MIAMI FLORIDA
Recommendation: Adoption of the subject Resolution approving travel for Commissioner Joseph R. Radisich to participate in Business Development meetings in Miami, Florida.

Marketing

2. Re: RESOLUTION NO. _____ APPROVAL OF PROPOSED FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND KWIKSET CORPORATION, A BLACK & DECKER COMPANY, FTZ 202, SITE 20A

SUMMARY: *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ General Purpose Operating Agreements (Operating Agreements) with FTZ operators in order to enable the Harbor Department to oversee their FTZ operations.*

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2. (Continued)

On October 27, 2004, the Board of Harbor Commissioners (Board) approved Operating Agreement No. 2363 with Kwikset Corporation, a Black & Decker Company (Kwikset) at FTZ 202, Site 20A, located at 11280-B Riverside Drive, in Mira Loma, California 91752. The original term for this Operating Agreement began on February 1, 2005, and expired on January 31, 2010, with three, five-year renewal options. The Harbor Department received a request from Kwikset to maintain FTZ status of Site 20A. Based on the timing of when Kwikset provided notice to the Harbor Department of their desire to extend their Operating Agreement and the time requirement needed by the Harbor Department to process their request, the Operating Agreement would expire. Therefore, a new Operating Agreement is required in order to continue FTZ status at this site. This site includes 525,000 square feet of warehouse and office space. Kwikset will be operating their warehouses under FTZ operation rules and this Operating Agreement will provide a term of five years with two, five-year renewal options.

Recommendation: Board resolve to (1) approve the proposed Operating Agreement between the City of Los Angeles and Kwikset; (2) authorize and direct the Board Secretary to transmit the proposed Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) authorize the Executive Director to execute and the Board Secretary to attest to the proposed Operating Agreement; and (4) adopt Resolution No. _____.

3. Re: RESOLUTION NO. _____ APPROVAL OF FIRST AMENDMENT FOR FOREIGN-TRADE ZONE DEVELOPER AGREEMENT NO. 2369 BETWEEN THE CITY OF LOS ANGELES AND INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC., FTZ 202, SITE 20

SUMMARY: *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ Developer Agreements (Developer Agreements) with FTZ developers in order to enable the Harbor Department to oversee their FTZ developments. On November 10, 2004, the Board of Harbor Commissioners (Board) approved Developer Agreement No. 2369 with Industrial Developments International Inc., (IDI) at FTZ 202, Site 20, located in Mira Loma, California. The original term for this Developer Agreement began on March 1, 2005, and expires on February 28, 2010, with three, five-year renewal options. The Harbor Department received a request from IDI to*

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3. (Continued)

maintain FTZ status of Site 20. The proposed First Amendment will provide a term of five years with two, five-year renewal options.

Recommendation: Board resolve to (1) approve the subject First Amendment for Developer Agreement No. 2369 between the City of Los Angeles and IDI; (2) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment; and (3) adopt Resolution No. _____.

H. **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Subdivision (a) of Government Code Section 54956.9)

City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Subdivision (a) of Government Code Section 54956.9)

Joseph Sanchez. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC410927

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Subdivision (a) of Government Code Section 54956.9)

Alicia Unger v. City of Los Angeles, et al., United States District Court Case No. CV 08-02139 SVW

Alicia Unger v. Sgt. Kevin McCloskey, Los Angeles Superior Court Case No. NC042952

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Subdivision (a) of Government Code Section 54956.9)

City of Los Angeles v. San Pedro Boat Works, Inc., et al., United States District Court Case No. CV-02-7986

San Pedro Boat Works/Billfish v. Water Quality Insurance, et al., United States District Court Case No. CV-04-08495

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H. CLOSED SESSION (Continued)

**5. 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 (1) potential case]

**6. 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

**7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

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

**8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

City of Riverside v. City of Los Angeles, et al., Orange County Superior Court Case No. 30-2009-00123216