

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, FEBRUARY 7, 2008, 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. PRESENTATIONS

- 1. Mary Small, Coastal Conservancy Presentation on Ballona Wetlands**

F. BOARD COMMITTEE REPORTS

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the special meeting of the Los Angeles Board of Harbor Commissioners of December 20, 2007; and Regular meetings of January 3, 2008 and January 17, 2008, for approval.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-13)

Planning & Research

- 1. Re: APPROVAL OF CHANGES TO THE MEMBERSHIP OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE**

SUMMARY: The Board of Harbor Commissioners is being asked to approve changes in membership to the Port of Los Angeles Community Advisory Committee (PCAC) for the Coastal San Pedro Neighborhood Council.

Recommendation: Board resolve that the appointments of Peter Warren as the Coastal San Pedro Neighborhood Council voting member, and Richard Havenick as the alternate member be approved.

Human Resources Division

- 2. Re: PROPOSED RESOLUTION TO ESTABLISH A HARBOR DEPARTMENT RELOCATION AND MOVING EXPENSE POLICY**

SUMMARY: The proposed resolution would establish a Harbor Department Relocation and Moving Expense Policy with criteria and procedures by which the Department may reimburse relocation and moving expenses of individuals selected to fill exempt senior management and other key and specialized positions.

Recommendation: Adoption of the resolution authorizing a Relocation and Moving Expense Policy as a necessary expense for the proficient operation and administration of the Harbor Department.

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**3. Re: APPROVAL OF THE AGREEMENT BETWEEN THE CITY
OF LOS ANGELES AND WESTERN MEDICAL GROUP
TO PROVIDE PROFESSIONAL MEDICAL SERVICES**

SUMMARY: The proposed agreement with Western Medical Group, Torrance, allows the Harbor Department to provide professional medical services for a three-year period. The services will consist primarily of pre-employment and annual medical examinations. Additional services will provide for first aid treatment and compliance with state and federal medical requirements for occupational licenses.

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; (2) the Board find that Western Medical Group has the experience and expertise necessary to provide medical services to the Harbor Department that meet the medical standards set by the City of Los Angeles' Personnel Department; and (3) the Executive Director be authorized to execute the attached three-year agreement with Western Medical Group at a cost not to exceed \$120,000.

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Real Estate

- 4. Re: PROPOSED PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND MERIDIAN MANAGEMENT CORPORATION FOR BUILDING OPERATING ENGINEERING SERVICES**

SUMMARY: The proposed Agreement with Meridian Management Corporation (Meridian) provides for building operating engineering services for the Harbor Administration Building (HAB); the Liberty Hill Plaza Building (LHP); the Port of Los Angeles High School (POLAHS), located in San Pedro; and the Federal Customs Service Laboratory (Customs Service Lab), located on Terminal Island. The agreement also establishes services for regularly scheduled window cleaning, carpet cleaning, plant care services, and pest control treatment services. The agreement will allow the City of Los Angeles Harbor Department (Port) to add or delete facilities and/or services, as needed, and upon written approval by the Executive Director. The contract total for this agreement shall not exceed \$2,256,408 for the three-year term. The regional office for Meridian is located in Santa Ana, CA. Corporate headquarters is located in Florida.

Recommendation: Board resolve that (1) the Order approving the Agreement with Meridian Management Corporation (Meridian) be adopted; (2) the Executive Director and Board Secretary be authorized to execute and attest to the proposed Agreement with Meridian for building operating engineering services for a period of three years, commencing upon execution by the Executive Director, for a not-to-exceed amount of \$2,256,408; and (3) the Board find that in accordance with Charter Section 1022, it is more feasible and economical for services to be provided by an independent contractor than by City employees.

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5. Re: **PROPOSED ORDER RESETTING COMPENSATION TO PERMIT 718, GRANTED CROWLEY MARINE SERVICES, INC.**

SUMMARY: Permit 718 is a 20-year permit (1996-2016) granting Crowley Marine Services, Inc. (Crowley) approximately 2.8 acres of land, wharf, and water at Berth 86, as depicted on the attached map, for an office building, shop facility, warehouse, and parking lot to be used in connection with tugboat and barge services. The proposed Order resetting compensation resets the compensation for the five-year period commencing November 24, 2006 through November 23, 2011, at a rate of \$6,590 per month.

Recommendation: Adoption of the Order resetting compensation to Permit 718 for the five-year period of November 24, 2006 through November 23, 2011, in the amount of \$6,590 per month be adopted.

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Engineering

6. Re: **DESIGN-BUILD AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND ADESTA LIMITED PARTNERSHIP FOR THE DESIGN AND CONSTRUCTION OF A POLA PASSENGER COMPLEX PERIMETER SECURITY/CONTROL PROJECT**

SUMMARY: The recommended Design-Build agreement for Security Project No. 4 entitled, "Passenger Complex Perimeter Security/Control" is for the enhancement of security at the Los Angeles World Cruise Center utilizing a CCTV system and including improvements to the perimeter fence, gates, and key access points. The lowest-priced, responsive design-build proposal for this project is Adesta Limited Partnership located in Torrance, CA. The contract amount, plus 25% contingency, is \$2,532,754, and the contract duration is 22 months.

This project is partially funded with \$979,628 from the Department of Homeland Security's Transportation Security Administration (TSA) Port Security Grant Program Round 3 Project Number 4 funds.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject agreement is temporary in nature and can be performed more feasibly by an independent design-builder rather than by City employees; (2) the attached Resolution approving the subject agreement with Adesta Limited Partnership, a Delaware limited partnership, authorized and licensed to do business in the State of California with offices located in Torrance, CA, be adopted for Task Nos. 1 through 15, in the amount of \$2,026,203; and that a 25% contingency not included in the original contract amount be applied for a total authorized amount of \$2,532,754. The contract time for performance of the work will be 22 months from the Notice to Proceed, consisting of a 10 month design-build task followed by a 12 month guarantee/maintenance task; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said agreement for and on behalf of the Board; and (4) in accordance with City Charter 655(g), the Board delegate and the Executive Director be authorized to accept the contract upon its completion.

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Marketing

7. Re: APPROVE AGREEMENTS BETWEEN THE CITY OF LOS ANGELES AND INTERNATIONAL MARKETING REPRESENTATIVES

SUMMARY: The Marketing Division recommends approval of personal services agreements with nine (9) international marketing representatives (Consultants) to assist the Port of Los Angeles (Port) by providing marketing and trade promotion services. The contract areas include Europe, Japan, Korea, North China – Shanghai, South China – Hong Kong, Southeast Asia – Singapore, Taiwan, South America, and the U.S. East Coast. The Port’s International Marketing Network (IMN) has historically played an important role in the development of the Port. This point is illustrated by the fact that the vast majority of the Port’s customers are companies with overseas corporate ties. Each of the nine agreements provides a one-year term, with two renewal options which, if exercised and approved by the Executive Director, could extend the term to a maximum duration of three years. The annual compensation for all nine agreements will not exceed \$1,127,000.

Recommendation: Board resolve that (1) per City Charter Section 1022 it be determined that work to be performed under the agreements can be performed more feasibly by an independent contractor than by City employees; (2) the agreements between the City of Los Angeles with the Consultants in the contract areas of Europe, Japan, Korea, North China – Shanghai, South China – Hong Kong, Southeast Asia – Singapore, Taiwan, South America, and the U.S. East Coast be approved; (3) the Executive Director be authorized to approve two (2) one-year renewal options on behalf of the Board, subject to budget approval for future years funding; and (4) the Executive Director, or her designee, and the Board Secretary be authorized to execute and attest to the agreements upon approval.

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8. Re: APPROVAL OF FOREIGN-TRADE ZONE (FTZ) GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND SCHAFFER BROTHERS DISTRIBUTION CENTER, INC. (SCHAFFER), SITE 12

SUMMARY: The Port of Los Angeles (Port), as the Foreign-Trade Zone (FTZ) grantee, establishes operating agreements with FTZ operators to enable the Port to oversee its FTZ operations. The Port received a request from Schaffer Brothers Distribution Center, Inc. (Schaffer) to exercise the first renewal option for FTZ Operating Agreement No. 2247 at FTZ No. 202, Site 12, 1981 East 213th Street, in Carson, CA.

The current agreement with the Port, Agreement No. 2247 with Schaffer became effective on October 1, 2002, and has a five (5) year term with three (3) five-year renewal options. Several City of Los Angeles agreement provisions were updated during this current contract period. As a result, rather than exercising the renewal option, a new proposed agreement was prepared to encompass all provision changes.

Recommendation: Board resolve that (1) the subject Foreign-Trade Zone (FTZ) operating agreement with Schaffer Brothers Distribution Center, Inc., Site 12 be approved; (2) the Board Secretary be directed to transmit the proposed FTZ operating agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to the proposed FTZ operating agreement upon approval by the City Council.

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**Construction and Maintenance
Contracts & Purchasing**

9. Re: AWARD OF CONTRACT NO. 39398 FOR ONE HYDRAULIC EXCAVATOR, BID F-555, TO QUINN COMPANY

SUMMARY: Award of contract to Quinn Company for the purchase of one Caterpillar Model 330D L Hydraulic Excavator.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39398 for the purchase of one Caterpillar Model 330D L Hydraulic Excavator to Quinn Company, City of Industry, CA, in a total amount including sales tax of \$493,836, and the Executive Director be authorized to execute the contract on behalf of the Board.

10. Re: AWARD OF CONTRACT NO. 39392 FOR ELEVEN PICK-UP TRUCKS, BID F-549, TO REYNOLDS BUICK/PONTIAC/GMC TRUCKS, INC.

SUMMARY: Award of contract to Reynolds Buick/Pontiac/GMC Trucks, Inc. for the purchase of five compressed natural gas (CNG) fueled 1.5-ton utility body pick-up trucks with a crane and welder, and six CNG fueled 1.5-ton utility body pick-up trucks with a crane and no welder.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39392 for the purchase of five CNG fueled 1.5-ton utility pick-up trucks with crane and welder, and six CNG fueled 1.5-ton utility pick-up trucks with crane and no welder to Reynolds Buick/Pontiac/GMC Trucks, Inc., Covina, CA, in a total amount including sales tax of \$901,691, and the Executive Director be authorized to execute the contract on behalf of the Board.

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11. Re: AWARD OF CONTRACT NO. 39396 FOR FIVE UTILITY TRUCKS, BID F-553 TO WONDRIES FLEET GROUP

SUMMARY: Award of contract to Wondries Fleet Group for the purchase of five one-ton, standard cab, compressed natural gas (CNG) fueled pick-up trucks with utility body, roll-up bed cover, and ladder rack.

Recommendation: Board resolve that approval be granted for the awarding of Contract No. 39396 for the purchase of five one-ton, standard cab, CNG-fueled pickup trucks with utility body, roll-up bed cover, and ladder rack to Wondries Fleet Group, Alhambra, CA, in a total amount including sales tax of \$280,151, and the Executive Director be authorized to execute the contract on behalf of the Board.

Construction Division

12. Re: AWARD OF CONTRACT – BERTHS 302-305 TERMINAL LIGHTING UPGRADE, AMERICAN PRESIDENT LINES TERMINAL, SPECIFICATION NO. 2688A

SUMMARY: This project involves replacing existing high mast light pole fixtures throughout the American President Line Terminal at Berths 302-305 with more efficient light fixtures which will also reduce the amount of light glare at the terminal. The low bidder for this project is Dynalectric, located at 4462 Corporate Center Drive, Los Alamitos, CA 90270. The contract amount plus contingency is \$3,010,438.95, and the contract duration is 220 calendar days.

Recommendation: Board resolve that (1) the above-mentioned contract for Item Nos. 1 through 8 of the proposal schedule be awarded to Dynalectric, in the amount of \$2,617,773; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$3,010,438.95; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 220 calendar days from the Notice to Proceed; (2) the Executive Director and Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (3) in accordance with the City Charter 655(g), the Board delegate and the Executive Director be authorized to accept the construction contract upon its completion.

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Public Relations & Legislative Affairs

- 13. Re: APPROVAL OF THE FIRST AMENDMENT TO AGREEMENT NO. E6362 WITH CALIFORNIA STRATEGIES & ADVOCACY, LLC FOR GOVERNMENT ADVOCACY SERVICES**

SUMMARY: Agreement No. E6362 with California Strategies & Advocacy, LLC, Sacramento, California, was approved by the Executive Director on February 28, 2007 following a Request for Proposals (RFP) selection process. This contract provides for assistance with implementing state initiatives and legislation which support the City and Port of Los Angeles. The current one-year agreement is for \$150,000. We are currently mid-way through the legislative cycle that will determine allocation of funding for several key Port initiatives. In order to provide a needed continuation of services into the second half of the legislation session, it is necessary to extend the term of the agreement one year, with an option to extend up to one additional year, for a not-to-exceed amount of \$150,000 per year (\$450,000 for up to three years).

Recommendation: Resolve that (1) the Board find that the scope of work to be completed is of a temporary and occasional nature and is best completed by a contractor on an interim basis; (2) the First Amendment to Agreement No. E6362 with California Strategies & Advocacy, LLC to increase the term of the agreement by one year be approved; (3) an option be added to extend the term by one additional year, for a total term of up to three years, and an amount not to exceed \$150,000 per year (\$450,000 for up to three years); and (4) the Executive Director and Board Secretary be authorized to execute and attest to the proposed amendment.

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Regular Items (14-19)

Construction Division

- 14. Re: AWARD OF CONTRACT – PORT OF LOS ANGELES
POLICE HEADQUARTERS, SPECIFICATION NO. 2665**

SUMMARY: This project consists of construction of a three-story Port of Los Angeles Police Headquarters building in San Pedro. The lowest responsible bidder for this project is FTR International, Inc., located in Irvine, California. The contract amount, plus 10% contingency, is \$47,005,062, and the contract duration is 1,090 calendar days.

Recommendation: Board resolve that (1) the above-mentioned contract for Item Nos. 1 through 15 of the proposal schedule be awarded to FTR International, Inc., in the amount of \$42,731,875.00; that a 10% contingency not included in the original contract amount be applied for a total authorized amount of \$47,005,062.00; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 1,090 calendar days from the Notice to Proceed; (2) the Executive Director and Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (3) in accordance with the City Charter 655(g), the Board delegate and the Executive Director be authorized to accept the construction contract upon its completion.

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City Attorney

**15. Re: THE LOS ANGELES/LONG BEACH TERMINAL
OPERATOR ADMINISTRATION AND IMPLEMENT-
ATION AGREEMENT**

SUMMARY: The purpose of this Agreement between the City of Los Angeles, the City of Long Beach (collectively "Cities") and the West Coast Marine Terminal Operators Agreement ("WCMTOA") is to obtain immunity from federal anti-trust laws, as provided for under the Shipping Act of 1984, so that the Los Angeles and Long Beach Harbor Departments may cooperate with the WCMTOA to discuss, administer and operate various security and environmental port programs. The proposed agreement sets forth the responsibilities of the signatories with respect to meeting, discussing and agreeing upon implementation of these security and environmental programs and projects.

Recommendation: Board resolve that (1) the proposed agreement between the City of Los Angeles, the City of Long Beach and the WCMTOA (Transmittal 1) be approved; and (2) the Executive Director and Board Secretary be authorized to execute and attest to said agreement which will become effective when it enters into effect pursuant to the U.S. Shipping Act of 1984.

**16. Re: FIRST AMENDMENT TO AGREEMENT NO. 2477
BETWEEN THE CITY OF LOS ANGELES AND BECK,
DECORSO, DALY, KREINDLER AND HARRIS FOR
LEGAL SERVICES**

Recommendation: Board resolve that (1) the First Amendment to Agreement No. 2477 changing the law firm retained as outside counsel from Beck, DeCorso, Daly, Kriendler and Harris to Mayer Brown, LLP be approved; (2) the attached Resolution assigning Agreement No. 2477 from Beck, DeCorso, Daly, Kreindler and Harris to Mayer Brown, LLP be adopted; and (3) the Executive Director be authorized to execute the First Amendment to Agreement No. 2477 changing the law firm retained as outside counsel from Beck, DeCorso, Daly, Kreindler and Harris to Mayer Brown, LLP.

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**17. Re: AMENDMENT TO AGREEMENT NO. 2399 WITH DPRA
FOR LITIGATION SUPPORT IN THE FIELD OF
ENVIRONMENTAL FORENSICS**

Recommendation: Board resolve that (1) the First Amendment to Agreement No. 2399 between the City of Los Angeles and DPRA which adds two years to the contract term and allocates an additional \$300,000 to the Agreement be approved; (2) the Resolution authorizing the Executive Director to execute the First Amendment to Agreement No. 2399 be adopted; (3) the Board Secretary be directed to transmit the First Amendment to Agreement No. 2399 to the City Council for its approval pursuant to Section 373 of the Charter; and (4) the transfer of \$60,000 be authorized from the Harbor Department's Unappropriated Balance to the Harbor Revenue Fund, Account No. 54410, Division No. 0120, and Program No. 000 for legal services.

**18. Re: WAIVER OF POTENTIAL CONFLICT WITH RESPECT
TO NOSSAMAN GUTHNER KNOX & ELLIOT'S
REPRESENTATION OF VENTURA ENCINO LLC IN A
REAL ESTATE TITLE DISPUTE**

Recommendation: Board resolve that any potential conflict that might arise by way of Nossaman Guthner Knox & Elliot's representation of Venture Encino LLC be formally waived.

**19. Re: AMENDMENT TO AGREEMENT NO. 2441 WITH
STANZLER, FUNDERBURK & CASTELLON LLP FOR
LEGAL SERVICES**

Recommendation: Board resolve that it approve and the Executive Director be authorized to execute the First Amendment to Agreement No. 2441 between the City of Los Angeles and Stanzler, Funderburk & Castellon. The amendment increases the maximum contract amount by \$400,000.

I. DEPUTY EXECUTIVE DIRECTOR REPORT

- 1. Michael Christensen
Deputy Executive Director, Development**

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J. CLOSED SESSION

- 1. Discussion of pending litigation entitled: The United States of America ex rel. State of California ex rel. Standley 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 and retention of outside counsel.**
- 2. 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.**
- 3. Discussion of pending litigation entitled: City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of outside counsel.**
- 4. 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 ABC (JWJx), pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 5. 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.**

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J. (Continued)

- 6. Instruction to negotiators relating to lease negotiations with Ultramar, Inc., a subsidiary of Valero Energy Corporation and Valero concerning a proposed permit at Berth 164 in Wilmington, various other locations in Wilmington and use of the wharves at Berths 163-164, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiators for Ultramar and Valero have not been determined. The negotiator for the Port of Los Angeles will be Michael Galvin.**
- 7. Discussion of significant exposure to litigation relating to the claim presented pursuant to the Tort Claims Act by APM Terminals, City Clerk Claim No. 20083062, pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**