

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, DECEMBER 18, 2008, AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731
REVISED**

**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

F. BOARD COMMITTEE REPORTS

G. REPORTS OF THE EXECUTIVE DIRECTOR

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Consent Items (1-5)

Engineering Division

1. Re: RESOLUTION NO. _____ AWARD OF CONTRACT
NO. 39434 – FLOATING MARINE FENDERS BID
F-591, TO URETHANE PRODUCTS CORPORATION

SUMMARY: Award of Contract to Urethane Products Corporation, Bellflower, California for \$441,309 for furnishing, transportation, labor, materials, and equipment to manufacture, test and deliver twelve floating marine fenders for use at Berths 93A – 93B.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Agreement is temporary in nature and can be performed more feasibly by an independent contractor rather than by City employees; (2) Contract No. 39434 for furnishing, transportation, labor, materials, and equipment to manufacture, test and deliver, twelve floating marine fenders be awarded to Urethane Products Corporation, 9076 Rosecrans Avenue, Bellflower, California 90706, in a total amount of \$441,309; (3) the Executive Director be authorized to execute the Contract for and on behalf of the Board; and (4) Resolution No. _____ be adopted.

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2. Re: RESOLUTION NO. _____ AWARD OF CONTRACT NO. 39456 – BERTH 91 CRUISE TERMINAL ALTERNATIVE MARITIME POWER™ (AMP™), CABLE MANAGEMENT SYSTEM - MINI AMP MOBILE, BID F-613, TO CAVOTEC, U.S.A., INC.

SUMMARY: Award of Contract to Cavotec, U.S.A., Inc., Costa Mesa, California for \$1,098,600 for furnishing, transportation, labor, materials, and equipment to manufacture, deliver, install, test and commission one Mini AMP Mobile unit. The Mini AMP Mobile unit is a flexible power cable management system required to connect the cruise ship to shore based Alternative Maritime Power (AMP) outlets.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Contract is temporary in nature and can be performed more feasibly by an independent contractor rather than by City employees; (2) Contract No. 39456 for furnishing, transportation, labor, materials, and equipment to design, manufacture, deliver, install, test and commission one Mini AMP Mobile be awarded to Cavotec, U.S.A. Inc., 2995 Airway Avenue, Costa Mesa, California 92626, U.S.A. in a total amount (excluding sales tax) of \$1,098,600; (3) the Executive Director be authorized to execute the Contract for and on behalf of the Board; and (4) Resolution No. _____ be adopted.

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Marketing

3. Re: **RESOLUTION NO. _____ APPROVAL OF
FOREIGN-TRADE ZONE GENERAL PURPOSE
OPERATING AGREEMENT BETWEEN THE CITY OF
LOS ANGELES AND HOWARD HARTRY, INC., FTZ 202
SITE 1C**

SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes a General Purpose Operating Agreement with FTZ operators to enable the Harbor Department to oversee their FTZ operations. The Harbor Department received a request from Howard Hartry, Inc., (Howard Hartry) to activate their site within FTZ 202 Site 1C, located at 202 N. Fries Avenue, Wilmington, California. This site includes approximately 12,000 square feet of warehouse and office space on 0.4 acre. Howard Hartry will be operating their warehouse under FTZ operation rules and the General Purpose Operating Agreement will provide a term of five years with three five-year renewal options.

Recommendation: Board resolve that (1) the subject FTZ General Purpose Operating Agreement between the City of Los Angeles and Howard Hartry be approved; (2) the Board Secretary be authorized and directed to transmit the proposed FTZ General Purpose Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) upon approval by City Council, authorize the Executive Director to execute and the Board Secretary to attest to the proposed FTZ General Purpose Operating Agreement; and (4) Resolution No. _____ be adopted.

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4. Re: RESOLUTION NO. _____ - APPROVAL OF
FOREIGN-TRADE ZONE DEVELOPER AGREEMENT
BETWEEN THE CITY OF LOS ANGELES, TEJON
INDUSTRIAL CORPORATION AND ROCKEFELLER
GROUP DEVELOPMENT CORPORATION, FTZ 202 SITE
23

SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes the Developer Agreement with FTZ Developers in order to oversee their FTZ developments. In February 2008, the FTZ Board approved to expand FTZ 202 Site 23, Tejon Industrial Complex in Lebec, California by 177 acres. Tejon Industrial Corporation and Rockefeller Group Development Corporation (Tejon and Rockefeller Group) have requested a Developer Agreement with the Harbor Department. The Harbor Department is required by the FTZ Board to have a Developer Agreement with land owners. The proposed FTZ Developer Agreement is for a five-year term with three five-year renewal options.

Recommendation: Board resolve that (1) the subject FTZ Developer Agreement between the City of Los Angeles and Tejon Industrial Corporation and Rockefeller Group Development Corporation be approved; (2) the Board Secretary be directed and authorized to transmit the proposed FTZ Developer Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) Upon approval by City Council, authorize the Executive Director to execute and the Board Secretary to attest to the proposed FTZ Developer Agreement; and (4) Resolution No. _____ be adopted.

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5. Re: RESOLUTION NO. _____ APPROVAL OF
FOREIGN-TRADE ZONE BOARD FOR EXPANSION
AND REORGANIZATION OF FOREIGN-TRADE ZONE
NO. 202

SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, is required to justify acreage within the zone to the FTZ Board. The FTZ Board mandates that all grantees optimize the amount of acres used within their zone. In 2004, the FTZ Board introduced new regulations requiring sites designated from the year 2004 forward, to be activated within five years after FTZ Board approval. Land owners whose sites were granted FTZ status prior to 2004 are not subject to the five-year FTZ activation mandate. Land owners who are subject to this five-year time limit are required to re-apply to maintain FTZ designation. Regardless, the Harbor Department remains responsible to justify acreage within the zone on a regular basis.

There are currently portions of land within the zone that are not being used for FTZ purposes. The Harbor Department is requesting that the FTZ Board authorize the reduction of 666.91 acres and the addition of a new five-acre site at 2200 & 2250 Technology Place, Long Beach, California. Upon approval of the proposed reorganization, the zone will be reduced from 23 sites to 19 sites totaling 4,899.37 acres of which eight sites are active today.

Recommendation: Board resolve that (1) the subject resolution for the Expansion and Reorganization Application be approved; (2) the Executive Director be authorized to sign and submit the application to the FTZ Board; (3) the Executive Director and the Board Secretary be authorized to execute and attest to the proposed expansion and reorganization of FTZ No. 202; and (4) Resolution No. _____ be adopted.

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REGULAR ITEMS (6-10)

Environmental Management Division

6. Re: RESOLUTION NO. _____ - FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BERTH 97-109 [CHINA SHIPPING] CONTAINER TERMINAL PROJECT (LAHD ADP NO. 030127-018; SCH NO. 2003061153)

SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Environmental Impact Report (EIR) for the Berth 97-109 [China Shipping] Container Terminal Project in accordance with the California Environmental Quality Act (CEQA), and approve the proposed Project. The proposed Project would include construction and operation of a container terminal at Berth 97-109 in the West Basin in the Port of Los Angeles, including a reanalysis of Phase I construction and all operations between 2004 and 2007, in addition to all future construction and operations (2008 to 2045) consistent with the China Shipping Amended Stipulated Judgment (ASJ). The terminal would be operated by China Shipping Container Lines (China Shipping) under a 40-year lease (2005-2045) from the Los Angeles Harbor Department (LAHD). In approving the proposed Project, the Board will need to make specific Findings of Fact regarding the significant environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program (MMRP) to track mitigation. In addition, the Board will need to find that the EIR is consistent with the ASJ. Project benefits include: efficiently handling cargo to maximize use of tidelands trust lands while significantly reducing environmental effects through implementation of mitigation measures (growing green); providing an average of 180 annual full-time direct construction jobs and an additional 130 annual indirect construction jobs over the 6 year construction period; providing annual tax revenues of approximately \$9 million from construction expenditures; providing approximately 4,687 direct permanent jobs and an additional 3,748 indirect jobs by 2030; and providing annual tax revenues of approximately \$85 million by 2045 from operations.

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6. (Continued)

Recommendation: Resolve that (1) the Board certify that the EIR for the China Shipping Project (Transmittal 1) (a) has been completed in compliance with the CEQA of 1970 as amended, with the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and the Board considered the information contained in the Final EIR prior to approving the Project; and (c) reflects the independent judgment and analysis of the LAHD, and that all required procedures have been completed; (2) the Board adopt the attached Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (3) the Board find that, in accordance with the information contained in the Final EIR for the China Shipping Project, the proposed Project will have significant environmental effects on Aesthetics and Visual Resources, Air Quality, Biological Resources, Geological Resources, Ground Transportation, Noise, Water Quality, and Sediments, and Cumulative Impacts, as defined by Public Resources Code Sections 21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines Sections 15064, 15064.5, and 15382. The EIR found no significant effects for Cultural Resources, Land Use, Marine Transportation, and Recreation; (4) the Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project, which substantially lessen or avoid the significant adverse environmental impacts identified in the EIR; (5) the Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures and project alternatives identified in the Final EIR. Impacts to Aesthetics and Visual Resources, Air Quality, Biological Resources, Geological Resources, Ground Transportation, Noise, Water Quality, and Sediments, and Cumulative Impacts remain significant and unavoidable even after all feasible mitigation is adopted; (6) the Board find that all information added to the Final EIR after public notice of the Re-circulated Draft EIR availability for public review, but before

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6. (Continued)

certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR, and recirculation is not necessary; (7) the Board find that, in accordance with Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the benefits of the Project outweigh the significant and unavoidable environmental impacts of the Project, and adopt the Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (8) the Board find that the EIR is compliant with the provisions of the China Shipping ASJ dated June 2004; (9) the Board adopt the MMRP transmitted herewith (Transmittal 3) as required by Public Resources Code Section 21081.6. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the LAHD as lead agency, to monitor and verify Project compliance with those mitigation measures and conditions of Project approval; (10) the Board approve the Project identified in the EIR, including all feasible mitigation measures set forth in the EIR with consideration of the Findings of Fact and Statement of Overriding Considerations, and the MMRP; (11) the Engineering Division be directed to proceed with final design and incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements, mitigation monitoring/reporting plan, and Project environmental commitments into all Engineering Plans and Specifications and/or Engineering Permits for the proposed Project; (12) the Real Estate Division be directed to incorporate, by reference, the EIR, mitigation measures and the MMRP into any and all lease agreements or assignments encompassed in the approved Project; (13) the Executive Director be authorized to negotiate an agreement with the Department of Recreation and Parks in an amount up to, but not to exceed \$5 Million for the enhancement of Plaza Park; (14) the Environmental Management Division be authorized to file the Notice of Determination (NOD) for the subject Project with the Los Angeles City Clerk; and (15) the proposed Recommendations and this Resolution No. _____ be adopted.

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Engineering

7. Re: **RESOLUTION NO. _____ AMENDMENT NO. 1 –
PROFESSIONAL SERVICES AGREEMENT NO. 2425
BETWEEN THE CITY OF LOS ANGELES AND SASAKI
ASSOCIATES FOR PROFESSIONAL PLANNING,
DESIGN AND SUPPORT SERVICES FOR THE
WILMINGTON WATERFRONT DEVELOPMENT
PROGRAM**

SUMMARY: Agreement No. 2425 provided the Port of Los Angeles with professional planning, design and support services for the Wilmington Waterfront Development Program for 3 years at the amount of \$12,060,250. On May 17, 2008, the Board of Harbor Commissioners approved the Wilmington Waterfront Master Plan and authorized staff to proceed with 40% design, with the understanding that insufficient funds remained in Agreement No. 2425 to complete design and construction support. Staff recommends that Agreement No. 2425 be amended to increase scope and duration to allow completion of the first phase of the master plan. Amendment No. 1 will allow the Port to extend the agreement duration an additional three years for a total term of six years, and provide additional compensation in the amount of \$3,980,900. The total contract amount, including all change orders to date, will be \$16,041,150.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, the work covered under this Amendment can be performed more economically or feasibly by Sasaki Associates (current project consultant) rather than by City Employees; (2) the Board find that in accordance with Los Angeles Administrative Code Section 10.15(a)(10), competitive bidding for the work under this Amendment would be impractical, impossible or would work an incongruity, be unavailing or not produce an advantage; (3) Amendment No. 1 to Agreement No. 2425 with Sasaki Associates, extending the agreement duration by three years for a total term of six years, be approved; (4) Amendment No. 1 to Agreement No. 2425, providing additional compensation in the not-to-exceed amount of \$3,980,900 be approved; (5) the Board

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7. (Continued)

Secretary be authorized and directed to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; (6) the Executive Director be authorized to execute and the Board Secretary to attest said Amendment for and on behalf of the Board; and (7) Resolution No. _____ be adopted.

Goods Movement

**8. Re: RESOLUTION NO. _____ PORT OF LONG BEACH
AND PORT OF LOS ANGELES (PORTS)
INFRASTRUCTURE CARGO FEE**

**TEMPORARY ORDER NO. _____ AND PERMANENT
ORDER NO. _____ AMENDING PORT OF LOS
ANGELES TARIFF NO. 4, SECTION 21, ITEM NUMBER
2105 INFRASTRUCTURE CARGO FEE**

SUMMARY: In January 2008, the Board of Harbor Commissioners approved the Infrastructure Cargo Fee (ICF), in the amount of \$15/loaded (import and exports) twenty-foot Equivalent Unit (TEU) to commence January 1, 2009. This fee was predicated upon environmental clearance of several projects occurring in 2008. To provide some financial relief for shippers, and partly because of modified project schedules, staff recommends the postponement of the ICF until the Port of Los Angeles (POLA) I-110 Connectors projects, or Alameda Corridor Transportation Authority (ACTA) SR 47 Expressway/C.S. Heim Bridge Replacement, or Port of Long Beach (POLB) Rail System projects receive environmental clearance, which is expected to occur the second half of 2009. As such, it is recommended that the ICF commence on July 1, 2009, and at a reduced amount of \$6/loaded TEU. The Port of Long Beach Board is expected to approve the recommended ICF deferred on December 15, 2008.

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8. (Continued)

Recommendation: Board resolve that (1) the amendment to Port of Los Angeles Tariff No. 4, Section 21, Item Number 2105, to amend the date of ICF collection to commence on July 1, 2009, and the amount of the ICF to be \$6/loaded TEU be approved. The Computation Methodology has been revised accordingly, and is attached to the order and ordinance implementing the amended tariff. This amendment shall be subject to California Association of Port Authorities (CAPA) review and approval, and the Executive Director is authorized to present the tariff amendment to CAPA to secure CAPA approval or proceed to take independent action in accordance with CAPA procedure be approved; (2) an Order approving the amendment to Port of Los Angeles Tariff No. 4, Section 21, Item Number 2105 (Transmittal 2) be adopted; (3) the form of the Ordinance approving the Order (Transmittal 3) be approved; (4) the Board Secretary be authorized to certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b); (5) the Board Secretary be directed to transmit to the Mayor and City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); and (6) the Board Secretary be authorized to execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

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Homeland Security

9. Re: RESOLUTION NO. _____ - ACCEPTANCE OF
COOPERATIVE AGREEMENT AWARD NO. 2008-GB-
T8-K014 UNDER ROUND EIGHT OF THE FEDERAL
PORT SECURITY GRANT PROGRAM

SUMMARY: The U.S. Department of Homeland Security awarded a Federal grant in the amount of \$38,156,658 to the Los Angeles/Long Beach port-region through Round Eight of the Federal Port Security Grant Program (PSGP) in August 2008. The Port of Los Angeles (Port) was selected by the U.S. Coast Guard Sector Los Angeles/Long Beach Commander to act as the Fiduciary Agent for the management and distribution of these funds. As Fiduciary Agent, the Port is required to accept Cooperative Agreement Award No. 2008-GB-T8-K014, allocating \$38,156,658 from the PSGP to the Los Angeles/Long Beach port-region. Although not finalized, the Port will receive approximately \$15 million of this funding for port related security projects.

As Fiduciary Agent, the Port will monitor the progress of each funded project, process documentation from grantees, accept reimbursement money from the Federal Emergency Management Agency, and disburse those funds to grantees. The Port will not be responsible for providing Port funds for any granted projects other than those awarded to the Port and the Port will be reimbursed for our Fiduciary Agent efforts up to 3% of the amount of the award.

Projects to be funded with this money have been selected by the Area Maritime Security Committee (AMSC), under the leadership of the U.S. Coast Guard Sector Los Angeles/Long Beach Commander. The AMSC includes representatives of federal, state, and local law enforcement and emergency response agencies, port authorities, terminals, the longshore union, and elected officials. As a member of the AMSC, the Port has participated in the selection of projects to be funded. Any projects awarded to the Port will be brought before the Board of Harbor Commissioners for acceptance in separate Board letters. Recipients of awarded projects will be responsible for a 25% cost share. All initial project funding will be the responsibility of the grantee.

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9. (Continued)

Recommendation: Board resolve that (1) the Director of Homeland Security be authorized to execute the attached Cooperative Agreement on behalf of the Board; and (2) Resolution No. _____ accepting the U.S. Department of Homeland Security Cooperative Agreement Award No. 2008-GB-T8-K014 in the amount of \$38,156,658, between the City of Los Angeles Harbor Department and the U.S. Department of Homeland Security be adopted.

Construction Division

**10. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT –
CONSULTANT: PARSONS WATER & INFRA-
STRUCTURE INC., CONSTRUCTION MANAGEMENT
SERVICES FOR BERTHS 136-147 AND BERTHS 100-
109 IMPROVEMENTS**

SUMMARY: The Berths 136-147 (TraPac) and Berths 100-109 (China Shipping) Improvements projects will redevelop portions of the TraPac and China Shipping Terminals. The projects include upgrade of existing wharves, dredging, and construction of new wharves, backlands, Alternative Maritime Power (AMP) infrastructure, Leadership in Energy and Environmental Design (LEED)-certified buildings, and an access bridge. This Agreement provides for essential construction management services for the Berths 136-147 and Berths 100-109 Improvements Projects. Parsons Water & Infrastructure Inc. (Parsons), located in Pasadena, California, is recommended to provide the required services. The Agreement amount plus 5% contingency is \$6,758,850, and the Agreement duration is 1,095 calendar days.

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10. (Continued)

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under subject Agreement can be performed more feasibly by an independent contractor than by City employees; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to this Agreement for and on behalf of the Board; and (3) Resolution No. _____ to award the above-mentioned Agreement to Parsons in the amount of \$6,437,000 that a 5% contingency not included in the original Agreement be authorized for the total authorized amount of \$6,758,850, and that payment be authorized from the Construction Management Services account. The Agreement duration for performance of the work will be 1,095 calendar days from the Notice to Proceed.

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) 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.**

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- H. **CLOSED SESSION** (Continued)
4. Discussion of pending litigation entitled: **The United States of America ex rel. State of California ex rel. Stanely 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.
5. 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.