

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, APRIL 2, 2009, 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. BOARD COMMITTEE REPORTS**

**F. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1-10)**

**City Attorney**

- 1. Re: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE CITY OF LONG BEACH HARBOR DEPARTMENT FOR REIMBURSEMENT OF LEGAL SERVICES**

***SUMMARY: The City Attorney offices of Los Angeles and Long Beach each provide legal services to the Alameda Corridor Transportation Authority ("ACTA") under a co-counsel arrangement wherein ACTA legal matters are assigned to attorneys from the Harbor Departments for disposition. Since June 2006, a memorandum of agreement ("MOA") has been in place for ACTA to reimburse each Harbor Department a fixed amount of \$100,000 per year for these co-counsel services.***

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**1. (Continued)**

*In April 2008, ACTA approved a first amendment to the MOA increasing the reimbursement amount to \$125,000 per year for each Harbor Department.*

**Recommendation:** Board resolve that (1) the First Amendment to the Memorandum of Agreement be approved; (2) the Executive Director be authorized to execute and the Board Secretary to attest to, the First Amendment to the Memorandum of Agreement, increasing the reimbursement amount paid by ACTA to each Harbor Department to \$125,000 per year and to accept said amount; (3) Resolution No. \_\_\_\_\_ be adopted.

**Clean Truck Program**

**2. Re: TEMPORARY ORDER NO. \_\_\_\_\_ AND PERMANENT ORDER NO. \_\_\_\_\_ AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 20 – ITEMS 2030 & 2040 – CLEAN TRUCK FEE COLLECTION DATE & DAY PASS FEE**

***SUMMARY: The proposed action recommends amendment of the Port of Los Angeles (Port) Tariff No. 4 (Tariff) to: (i) modify the collection date of the Clean Truck Fee, and (ii) modify the Clean Truck Program (CTP) Day Pass fee for infrequent visitors to the Port of Los Angeles and Port of Long Beach (Ports). The collection date of the Clean Truck Fee would be changed from October 1, 2008 to February 18, 2009 to match the actual date of commencement of fee collection. The Day Pass Fee would be revised from \$100 per Day Pass to \$30 per Day Pass. The proposed revision of the Day Pass Fee to \$30 is based on an analysis by Tetra Tech of the actual administrative costs of administering each Day Pass. The terminals would separately provide the Day Pass holder with a means of electronic truck identification at a special Terminal Access Center (TAC) currently operating on Pier S in Long Beach. Currently, the cost of truck identification required by the terminals is approximately \$70.***

**Recommendation:** Board resolve that (1) the Amendment to Tariff No. 4, Section 20, Item Numbers 2030 and 2040, subject to California Association of Port Authorities (CAPA) review and approval, be approved and the Executive Director be authorized to work with CAPA to secure this approval or proceed to take independent action in accordance with CAPA procedure (Transmittal 1); (2) Temporary Order No. \_\_\_\_\_ and Permanent Order No. \_\_\_\_\_ to amend Items 2030 and 2040 in Section 20, Clean Air Action Plan – General Rules and Regulations, of the Port of

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**2. (Continued)**

Los Angeles Tariff No. 4 (Transmittals 2 and 3) be adopted; (3) the Executive Director be authorized to revise the Day Pass Terms and Conditions and post them on the Port's website (Transmittal 4); (4) the Board Secretary be authorized to certify to the adoption of the Temporary 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 (Transmittal 5) for a period not-to-exceed 90 days pursuant to Charter Section 653(b); (5) the Board Secretary be directed to transmit to the City Council for approval the Permanent Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); and (6) the Board Secretary to authorized to execute the Temporary Order, Permanent 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.

**3. Re: RESOLUTION NO. \_\_\_\_\_ - AUTHORIZATION FOR  
GATEWAY CITIES COUNCIL OF GOVERNMENTS TO PERMIT  
EARLY TERMINATION OF PARTICIPANT OBLIGATIONS UNDER  
GATEWAY CITIES FLEET MODERNIZATION PROGRAM**

*SUMMARY: The proposed action recommends that the Board of Harbor Commissioners (Board) approve a resolution authorizing the Gateway Cities Council of Governments (GCCOG) to permit the early termination of the obligations of participants (Participants) to the Port of Los Angeles (Port) under the Gateway Cities Fleet Modernization Program (GC Program). Under the GC Program, Participants signed Fleet Modernization Program Participant Master Security Agreements and/or other GC Program agreements (GC Agreement) which included (i) the obligation to make a minimum of 100 Port drayage trips per year, and (ii) a five-year commitment to serve Port terminals, in exchange for replacing an older model truck with a newer truck funded (up to 75 percent) by the Harbor Department (GC Truck), on a sliding scale dependent on the age of their existing truck and the age of the truck they were buying.*

*The GC Program was an early truck replacement program that was part of an overall emissions reduction effort undertaken by both the Port of Los Angeles and Port of Long Beach (Ports) that preceded the San Pedro Bay*

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**3. (Continued)**

*Ports Clean Truck Program (CTP). Due to the age of the GC Program and the GC Trucks, many of the trucks that were funded under the GC Program will be banned from entry into the two Ports by the January 1, 2010 CTP truck ban, and any remaining trucks will be banned from entry by the January 1, 2012 CTP truck ban. In addition, since GC Trucks were publicly funded by the Harbor Department, any cargo they transport is subject to the full \$35/TEU Clean Truck Fee at Port terminals, which has limited the ability of GC Trucks to compete for work with local licensed motor carriers (LMCs).*

*All of these issues have made it difficult for the GC Program participants (GC Participants) to fulfill their obligations under their GC Agreements. GCCOG staff has approached staff from the Harbor Department and requested that the GC Participants be permitted to terminate their GC Agreements earlier than the full five-year term. After meeting with GCCOG staff, the Harbor Department staff concurs with this assessment and hereby requests approval from the Board to authorize the early termination and release of GC Participants from their obligations to the Harbor Department under their GC Agreements, conditioned on the GC Participant's mutual release of the City of Los Angeles, Harbor Department (City) of any claims, under a Termination and Release Agreement in form and substance acceptable to the City Attorney's office.*

*This action is being recommended for these reasons: (i) the Port has already received substantial emissions reductions benefits from these vehicles, (ii) the individuals in this program have up to this point met the conditions of the GC Program, and (iii) the CTP requirements will affect some Participants' ability to fully complete the GC Program requirements. As a result of this program, 471 older trucks were scrapped and most of the newer, replacement trucks will continue to operate in the Los Angeles Basin and achieve additional emissions reductions for the funding expended. No new Harbor Department investments will be required as a result of this action.*

**Recommendation:** Board resolve that (1) GCCOG be authorized to enter into an early termination of a GC Participant's GC Agreement and release of a GC Participant from his or her obligations to the City, conditioned upon a corresponding release of all claims by the GC Participant against the City of Los Angeles (City), in form approved by the City Attorney; (2) approve as to substantial form, the form of Termination Agreement and Release (Release) between and among a GC Participant, GCCOG and the City (Transmittal 1); (3) the Executive Director be authorized to execute,

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**3. (Continued)**

and the Board Secretary to attest, to the Release, with individual GC Participants; and (4) Resolution No. \_\_\_\_\_ be adopted.

**Construction**

**4. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONTRACT  
CONSULTANT: ENV AMERICA INCORPORATED ASBESTOS AND  
LEAD MANAGEMENT CONSULTANT**

***SUMMARY: This Agreement provides for an on-call asbestos/lead abatement consultant to provide asbestos/lead site assessments, monitoring of asbestos/lead abatement for demolition, and renovation projects throughout the Port of Los Angeles (Port), and providing plans and specifications for asbestos/lead abatement work for inclusion in the City of Los Angeles Harbor Department (Harbor Department) construction contracts. ENV America Incorporated, located in Long Beach, California, is recommended to provide the required services. The Agreement is for a not-to-exceed amount of \$1,000,000, and the duration is 1,095 calendar days.***

**Recommendation: Resolve that (1) the Board find that in accordance with the City of Los Angeles Charter Section 1022, work under the subject Agreement can be performed more economically and feasibly by an independent contractor than by City employees; (2) the proposed Agreement with ENV America Incorporated be approved; (3) Resolution No. \_\_\_\_\_ to award the above mentioned Agreement to ENV America Incorporated in the not-to-exceed amount of \$1,000,000 be approved; that payment be authorized from the Miscellaneous Professional Services account, and the Agreement duration for performance of the work will be 1,095 calendar days from the Notice to Proceed; and (4) the Executive Director be authorized to execute and the Board Secretary to attest to this Agreement for and on behalf of the Board.**

**Environmental**

**5. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO PORT  
OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE  
RECOMMENDATION NOS. 75, 78 AND 92**

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**5. (Continued)**

***SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 75 requests the Board of Harbor Commissioners (Board) allocate \$2,922,089 from the Air Quality Mitigation Incentive Program (AQMIP) of the China Shipping Amended Stipulated Judgment (ASJ), to fund the remaining projects recommended by the China Shipping Mitigation Fund Technical Advisory Committee (TAC). On December 20, 2007, the Board approved funding of these projects as part of an action funding 23 projects for a cumulative amount not-to-exceed \$9,175,636. Since this request has already been implemented, staff recommends approval of Recommendation No. 75.***

***PCAC Recommendation No. 78 requests the Board fund Mitigation Proposal No. 2 (Wilmington Gateway Beautification Project); No. 6 (Welcome to Wilmington LED Sign); No. 7 (Storm Drain Improvements for Alameda Street); and No. 8 (Street Improvement Project for Alameda Street), using monies other than those from the Aesthetic Mitigation Funds. Staff recommends denial of Recommendation No. 78, and has recommended that applicants consider amending their projects as appropriate, and resubmit them for consideration under the Wilmington Call for Projects.***

***PCAC Recommendation No. 92 requests the Board support funding the AQMIP Projects approved by TAC with the substitution of the Crowley Tug Repower Project for the Cal Cartage LNG Yard Tractors Project. On November 20, 2008, the Board approved funding the TAC recommended Projects, including the Crowley Tug Repower Project substituted for the Cal Cartage LNG Yard Tractors Project; therefore, staff recommends approval of this recommendation.***

**Recommendation: Board resolve that (1) Recommendation No. 75, be considered and approved since the requested monies for all TAC projects were allocated by the Board on December 20, 2007, as was recommended by PCAC; (2) Recommendation No. 78 requesting the Board fund the specified mitigation projects with monies other than those of the Aesthetic Mitigation Fund be considered and denied; (3) Recommendation No. 92 be considered and approved since the requested monies for the projects recommended by the PCAC/TAC were approved by the Board on November 20, 2008; and (4) Resolution No. \_\_\_\_\_ confirming staff's findings and recommendations as set forth in the following discussion be adopted.**

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**Planning and Research**

6. Re: RESOLUTION NO. \_\_\_\_\_ FOR DRAFT PORT MASTER PLAN AMENDMENT NO. 25 – CHINA SHIPPING CONTAINER TERMINAL LAND USE DESIGNATION AND LANDFILL

***SUMMARY:*** *As required by the California Coastal Act, the Los Angeles Harbor Department (Harbor Department) is proposing to distribute Draft Port Master Plan Amendment No. 25 (Draft Amendment No. 25), publish the Notice of Completion of the subject draft amendment, and hold a public hearing on the draft amendment. Draft Amendment No. 25 would add general cargo as a permitted use on the 8 acres of land currently designated as "Other" (e.g., rail yard, roadways, and utilities), located at the northernmost edge of Berths 97-109 and leased by China Shipping. This amendment would also allow a 1.2-acre fill (approximately 24,000 cubic yards) behind the southern end of the proposed wharf extension at Berth 100. This Board of Harbor Commissioners (Board) action is limited to initiating the public notice and review process for Draft Amendment No. 25. The Board's consideration of the Final Port Master Plan Amendment No. 25 would occur at a later date.*

**Recommendation:** Board resolve that (1) the distribution of Draft Amendment No. 25 – China Shipping Container Terminal Land Use Designation and Landfill to interested persons, organizations, and governmental agencies, including the California Coastal Commission and all Port of Los Angeles tenants be approved; (2) publication of the Notice of Completion for Draft Amendment No. 25 be authorized; (3) a public hearing for Draft Amendment No. 25 be held at the Board's regularly scheduled meeting on Thursday, May 7, 2009, at 6:00 p.m. at the Harbor Department Administration Building, 425 S. Palos Verdes Street, San Pedro; and (4) Resolution No. \_\_\_\_\_ be adopted.

7. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 82

***SUMMARY:*** *The Port of Los Angeles Community Advisory Committee (PCAC) Recommendation No. 82 requests that the Board of Harbor Commissioners (Board) direct staff to implement the original Ports O' Call enhancement project. This project, with an estimated development cost of \$20.2 million includes the development of a paseo along the west side of the village, new piers at Berth 78, a pedestrian pathway through the*

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**7. (Continued)**

*existing Ports O' Call parking lot between Berth 78 and 13<sup>th</sup> Street, and improving the trail near Bloch Field from Harbor Boulevard to the 13<sup>th</sup> Street/Sampson Way intersection. The Ports O' Call improvements were approved by the Board as part of the San Pedro Waterfront Enhancements Project, through a Mitigated Negative Declaration (MND) in April 2006. Prior to initiation of construction of the Ports O' Call enhancement project, concerns were raised about the project limiting options for prospective developers. In addition, an Urban Land Institute study indicated the need for a central gathering place to be incorporated into any subsequent development plan. Staff recommends deferring these improvements to Ports O' Call until the Board considers certification of the San Pedro Waterfront Project Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR). Meanwhile, interim work is planned on safety improvements that were also addressed in the Ports O' Call enhancement project. However, once the Board acts on the Final EIS/EIR, the Ports O' Call enhancement project should be reconsidered as part of improvements necessary to renovate Ports O' Call. Therefore, staff recommends that PCAC Recommendation No. 82 be denied.*

**Recommendation:** Board resolve that (1) PCAC Recommendation No. 82 to construct the Ports O' Call enhancement project be considered and denied at this time and reconsider the project once the Board acts on the Final EIS/EIR; and (2) Resolution No. \_\_\_\_\_ be adopted.

**Port Police**

**8. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONTRACT  
39450 FOR PURCHASE OF AN UNDERWATER REMOTELY-  
OPERATED VEHICLE**

***SUMMARY: Award of Contract No. 39450, to Ocean Innovations, 7416 Cabrillo Avenue, La Jolla, California 92037, for the purchase of three (3) underwater remotely-operated vehicles (ROVs), cost includes accessories, software and training. Each ROV is designed to perform particular tasks during mission specific dive operations. The equipment will strengthen the Port Police mission to protect community and commerce and provide aid in identifying objects, searching areas for explosive devices, and conducting pier and hull searches. Funds were budgeted in the FY 2008/09 Port Police Capital Budget, and the equipment is fully reimbursable under Project No. 2 of the Department of Homeland***

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**8. (Continued)**

*Security, Round 5 Port Security Grant – Improvised Explosive Detection (IED), expiring February 28, 2010. The cost of the equipment is \$282,283. This cost includes \$84,684 non-reimbursable cost that must be provided by the Port. Port Police Dive Team members will maintain the ROVs, limiting life cycle cost to the Port of the initial cost share and replacement parts.*

**Recommendation:** Board resolve that (1) Contract No. 39450 for the purchase of three underwater remotely-operated vehicles, including features, equipment, accessories, options and training as outlined in Formal Bid Request Number F-607, be awarded in a total amount of \$282,238.00; (2) the Executive Director be authorized to execute the contract on behalf of the Board; and (3) Resolution No. \_\_\_\_\_ authorizing award of Contract 39426 be adopted.

**Marketing**

**9. Re: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND RPM CONSOLIDATED SERVICE INC., FTZ 202 SITE 24**

*SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes General Purpose Operating Agreements with FTZ operators to enable the Harbor Department to oversee their FTZ operations. The Harbor Department received a request from RPM Consolidated Service Inc. (RPM) to activate their site within FTZ 202 Site 24, located at 2200 and 2250 Technology Place, Long Beach, California. This site includes approximately 104,000 square feet of warehouse and office space on 5 acres. RPM will be operating their warehouses under FTZ operation rules and the 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 RPM 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, the Executive Director be

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authorized to execute and the Board Secretary to attest to the proposed FTZ General Purpose Operating Agreement; and (4) Resolution No. \_\_\_\_\_ be adopted.

**Real Estate**

**10. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED LEASE WITH  
PACIFIC PLACE ASSOCIATES, LLP FOR OFFICE SPACE**

***SUMMARY: A 21-Point Space Needs Action Plan (SNAP) has been developed by the City of Los Angeles Harbor Department (Harbor Department) to address existing office space deficits. The SNAP was developed through a multi-divisional effort led by the Director of Operations and included staff from the Real Estate and Engineering Divisions (SNAP Project Team).***

***SNAP's objectives are to alleviate office space constraints, including substandard cubicle and corridor configuration for an interim period in order to further study Harbor Administration Building (HAB) expansion and new building options that may be necessary in the future. Even with the long-term application of the active controlled hiring program, failure to secure more office space will result in continued staff exposure to substandard and antiquated cubicles and office configurations that do not meet current needs or requirements. An analysis to determine the most cost effective way to create more space studied several options, including purchasing existing office buildings, developing temporary trailer office complexes on Harbor Department owned land and leasing available space within close proximity to the HAB. Following this analysis, it was determined that leasing available space was the most cost effective method to create enough space to address immediate and estimated five to seven year space needs. Securing this space is the critical path to success of the SNAP, which would allow several divisions to move out of the HAB. Northrop Grumman has recently vacated 14,819 square feet (SF) at Pacific Place Associates, LLP's (Pacific Place) office building located at 222 W. 6<sup>th</sup> Street, San Pedro, and Pacific Place has agreed to take the space back and lease it to the Harbor Department.***

***The SNAP Project Team recommends that the Business Development Bureau (Real Estate, Marketing, Planning & Research, and Economic Development) move to this location, which will enable eight other steps in the SNAP to occur.***

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**10. (Continued)**

**Recommendation: Board resolve that (1) the proposed lease with Pacific Place, based on the terms and conditions outlined in the lease (Attachment 1) be approved; (2) the expenditure of \$360,000 in Fiscal Year 2008/2009, which has been budgeted in Account 59955, Center 0424 be authorized; (3) the transfer, appropriation and expenditure of funds for future years, as proposed in the Financial Impact Statement below be authorized; (4) the Board Secretary be authorized and directed to transmit the lease to the City Council for its approval pursuant to Section 373 of the City Charter; (5) upon approval by the City Council, the Executive Director be authorized to execute and the Board Secretary to attest to said lease for and on behalf of the Board; (6) the Executive Director, or her designee, be authorized to make the necessary rental payments to Pacific Place without notice or demand, and to make the parking payments on a month-to-month basis to Standard Parking, using Account 59955/Center 0424; (7) the Executive Director, or her designee, be authorized to make the necessary payments to Pacific Place for the tenant improvements, furniture, fixtures, and equipment at such time that they are substantially completed; (8) the Executive Director, or her designee, be authorized to make necessary payments to vendors and contractors related to communications, voice and data networks, servers, installation, movers and move coordination, as outlined in the Financial Impact Statement; (9) the Real Estate Division be authorized to budget the necessary funds in Fiscal Year 2009/10 and future years for all costs outlined; and (10) Resolution No. \_\_\_\_\_ be adopted.**

**Regular Item (11-13)**

**11. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED PERMIT NO. 883 WITH  
MAGICAL CRUISE COMPANY, LIMITED, DBA DISNEY CRUISE  
LINE**

***SUMMARY: In the summers of 2005 and 2008, the Magical Cruise Company, Limited, dba Disney Cruise Line (DCL), used the Port of Los Angeles (Port) for a series of cruises to the Mexican Riviera. These were arrangements that were made individually for each year's season. DCL is in the process of significantly expanding its cruise business with the addition of two 4,000 passenger vessels, currently being built overseas and expected to be put into service in 2011 and 2012. With new ships on order, Disney has sought to identify a West Coast home port for one of its***

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*existing vessels. In an effort to build its West Coast presence and capture the currently under-served family cruise business, DCL is pleased to announce that it has decided to make the Port its Southern California home port. DCL will relocate the Disney Wonder from the Caribbean to Los Angeles for up to five years and will utilize Port cruise terminal facilities.*

*The proposed action will grant DCL a term permit allowing for berthing of cruise ships and other required cruise-related activities at Berths 90-93 at Los Angeles World Cruise Center for a period of two years, beginning January 1, 2011, and ending December 31, 2012. The proposed Permit also includes three, one-year options following the initial two-year term, with a potential use of Port cruise terminal facilities until December 31, 2015.*

**Recommendation:** Board resolve that (1) the proposed Permit with DCL be approved in substantially the form as attached, based on the terms and conditions as set forth in the Board report; (2) the Executive Director be authorized to execute and the Board Secretary to attest to the Permit upon Board approval; and (3) Resolution No. \_\_\_\_\_ be adopted.

**Commission Office**

**12. Re: RESOLUTION APPROVING TRAVEL FOR COMMISSIONER JOSEPH RADISICH FOR TRAVEL TO TAIPEI, TAIWAN AND TOKYO JAPAN**

**Recommendation:** Adoption of the subject Resolution approving travel for Commissioner Joseph Radisich to participating in a business development trip to Taipei, Taiwan and Tokyo, Japan, during April 12 - 17, 2009.

**Environmental**

**13. Re: RESOLUTION NO. \_\_\_\_\_ - ELECTRIC RUBBER-TIRED GANTRY CRANE DEMONSTRATION PROJECT WITH WEST BASIN CONTAINER TERMINAL AT BERTHS 97-109, CHINA SHIPPING CONTAINER LINES**

***SUMMARY: Electric rubber-tired gantry cranes (eRTGs) almost completely eliminate localized air emissions and petroleum use by operating on electric power rather than diesel fuel throughout most of their duty cycle.***

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425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**13. (Continued)**

*Under the Electric Rubber-Tired Gantry Crane Demonstration Project (Project), West Basin Container Terminal (WBCT) will modify two existing diesel-powered rubber-tired gantry cranes (RTGs), install necessary electric infrastructure, and test these eRTGs at China Shipping Container Lines Berth 97-109 Terminal. The test will determine the performance and operational applicability of eRTGs. The City of Los Angeles Harbor Department (Harbor Department) will provide WBCT a grant of up to \$1.2 million to help pay for the implementation of the Project. Successful demonstration of the technology would reduce annual emissions by 2.3 tons of oxides of nitrogen (NOx) and 0.06 tons of particulate matter (PM), and eliminate the use of 10,000 gallons of diesel fuel per crane per year which also results in annual greenhouse gas emission reductions of 30 metric tons of carbon dioxide equivalent per crane.*

**Recommendation:** Board resolve that (1) the Grant Agreement for the Electric Rubber-Tired Gantry Crane Project between the Harbor Department and West Basin Container Terminals, substantially as to form, be approved; (2) the Executive Director be authorized to negotiate and execute and the Board Secretary to attest to a Grant Agreement with West Basin Container Terminals in an amount not-to-exceed \$1,200,000; and (3) Resolution No. \_\_\_\_\_ be adopted.

**G. 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) of 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.**

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 15  
THURSDAY, APRIL 2, 2009, AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**CLOSED SESSION (Continued)**

- 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.**
  
- 4. Discussion with legal counsel concerning significant exposure to litigation [two (2) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**