

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, AUGUST 21, 2008, AT 8:30 A.M.  
BANNING'S LANDING COMMUNITY CENTER  
100 E. WATER STREET  
WILMINGTON, CA 90744**

**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**

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**G. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1-10)**

**Construction Division**

1. Re: RESOLUTION NO. \_\_\_\_\_ - CHANGE ORDER NO. 17  
BERTHS 206-209 WAREHOUSE RENOVATION,  
CONTRACT NO. 2243 WITH SHAWNAN,  
SPECIFICATION NO. 2683

*SUMMARY: Change Order No. 17 to Contract No. 2243 will allow the contractor to modify the existing Maintenance and Repair Building and the Container Freight Station (CFS) warehouse at Berths 206-209. These modifications will increase the contract amount by \$700,000 and will not require an increase in contract duration. This Change Order is necessary to allow timely relocation of the Crescent Warehouse from the existing Cabrillo Marina to the Berths 206-209 site in order for construction of the Cabrillo Way Marina to commence in December 2008.*

**Recommendation:** Board resolve that Resolution No. \_\_\_\_\_ approving Change Order No. 17 to modify the existing Maintenance and Repair building and the CFS warehouse at Berths 206-209 for an increase not to exceed \$700,000, be adopted, and the Executive Director be authorized to sign the Change Order.

**Homeland Security**

2. Re: RESOLUTION NO. \_\_\_\_\_ MEMORANDUM OF  
UNDERSTANDING BETWEEN THE CITY OF LOS  
ANGELES HARBOR DEPARTMENT AND ITS TENANTS  
FOR SHARING SECURITY-RELATED INFORMATION  
AS REQUIRED BY THE PORT SECURITY GRANT  
PROGRAM

*SUMMARY: The City of Los Angeles Harbor Department (the Port) is seeking to enter into a Memorandum of Understanding (MOU) with each of its tenants for the purpose of sharing security related information. As a Maritime Transportation*

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**2. (Continued)**

*Security Act regulated entity, the Port is required by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), Port Security Grant Program, to have a MOU in place with tenants in order to receive grant reimbursement for projects involving layered security practices. The Homeland Security Division is currently enhancing the surveillance system throughout the Port and the ability to integrate cameras at terminal properties will augment the overall system. Each tenant carries out its own security enforcement measures for the protection of the marine terminal property it leases from the City and its assets located within the Harbor District. By sharing camera feed information with tenants, a layered security practice will be in place, which requires a MOU. Tenants may elect to refrain from sharing camera feeds with the Port. In this case, the Port-wide surveillance system will be configured to attain the surveillance necessary to further prevent, mitigate, and respond to any threat or emergency within the Port.*

*The intent of this MOU is to memorialize the understanding between the Port and each of its tenants with respect to sharing security-related information for the purpose of satisfying the requirement to do so by FEMA.*

**Recommendation:** Resolve that (1) the Board find that the MOU is required by the United States Department of Homeland Security, Federal Emergency Management Agency, Port Security Grant Program for Maritime Transportation Security Act regulated entities participating in layered security practices; (2) the boilerplate Memorandum of Understanding that the Port of Los Angeles will enter into with approximately 25 individual tenants be approved; (3) the Executive Director, or her designee, and the Board Secretary be authorized to execute and attest to the proposed MOU with each of the Port's tenants; and (4) Resolution No. \_\_\_\_\_ approving the boilerplate MOU that the Port will enter into with each of its tenants be adopted.

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3. Re: **RESOLUTION NO. \_\_\_\_\_ - ACCEPTANCE OF CALIFORNIA PORT AND MARITIME SECURITY GRANT PROGRAM THROUGH PROPOSITION 1B BETWEEN THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF HOMELAND SECURITY AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT**

***SUMMARY: The State of California Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by the voters of California as Proposition 1B in the November 2006 general election. Section 8879.23 (c)(3) of Proposition 1B directs that \$100,000,000 of the bond funds be made available upon appropriation by the legislature for eligible port and maritime security projects. These funds will be distributed to California ports through the California Port and Maritime Security Grant Program (CPMSGP). The funding amount appropriated for FY 2007 is \$40,000,000.***

***In January 2008, the Port of Los Angeles (the Port) submitted four projects in the form of investment Justifications to the California Governor's Office of Homeland Security (OHS). The projects are as follows: Multi-agency Maritime Facility in the amount of \$3,947,510, Multi-agency Commercial Vehicle Inspection Facility in the amount of \$2,295,030, Automated Law Enforcement and Emergency Responder Resource Tracking System in the amount of \$3,375,500, and Maritime Law Enforcement Officer Training Program in the amount of \$447,960. These projects were evaluated by an OHS-appointed Peer Review Panel consisting of Port Security Directors who participate on the California Maritime Security Council. This panel in turn made final recommendations to OHS.***

***On May 20, 2008, OHS awarded the Port, under the California Port and Maritime Security Grant Program through Proposition 1B the amount of \$10,066,000, approving all four projects. This is a reimbursement grant and does not require cost share funding.***

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**3. (Continued)**

**Recommendation:** Board resolve that (1) the Executive Director or her designee and the Board Secretary be authorized to execute and to attest to said grant assurances on behalf of the Board; (2) the Board Secretary be authorized to transmit a copy of the grant application, grant award agreement/acceptance, and board report to the Mayor and the City Council for approval of the grant acceptances pursuant to LAAC, Section 14; and (3) Resolution No. \_\_\_\_\_ accepting the grants allocated to the Port of Los Angeles under the State of California Governor's Office of Homeland Security through the California Port and Maritime Security Grant Program through Proposition 1B and approving the grant assurances be adopted.

**Goods Movement**

**4. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO  
PORT OF LOS ANGELES COMMUNITY ADVISORY  
COMMITTEE RECOMMENDATION NO. 51 –  
TERMINAL ISLAND TOLL DISTRICT**

***SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 51 recommends to the Board of Harbor Commissioners that at such time as the Terminal Island toll district is established and tolls are set, that all vehicles with two axles be exempt. Tolls on roadways/bridges are no longer being considered by the Port of Los Angeles (POLA). To help fund identified Port transportation improvement projects, the Port of Los Angeles and the Port of Long Beach (Ports) will be using the recently approved infrastructure Cargo Fee (ICF). Therefore, PCAC Recommendation No. 51 is no longer relevant.***

**Recommendation:** Board resolve that (1) PCAC Recommendation No. 51 be rejected simply because tolls on roadways/bridges are no longer being considered by POLA; and (2) Resolution No. \_\_\_\_\_ be adopted.

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**Construction and Maintenance**

5. Re: **RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH PACIFIC MARITIME FREIGHT, INC., DBA PACIFIC TUGBOAT SERVICES, FOR BERTH 100 ALTERNATIVE MARITIME POWER SUPPORT BARGE AND TUG SERVICE**

***SUMMARY: This resolution requests Board authority to award a three-year personal services Agreement with Pacific Maritime Freight, Inc., DBA Pacific Tugboat Service of Long Beach, California, for support barge and tugboat services in order to continue delivering alternative maritime power (AMP) to container ships calling at Berth 100. This contract replaces one that has expired. Pacific Maritime Freight, Inc. was the highest rated and lowest priced of two responsive proposers.***

**Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject Agreement can be performed more feasibly by independent contractors than by City employees, and the recitals in the Agreement are true and correct; (2) the Agreement with Pacific Maritime Freight, Inc., DBA Pacific Tugboat Service for a term of three years in an amount not to exceed \$1,609,840 for barge and tug services to be provided to support AMP operations at Berth 100 be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement on behalf of the Board; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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**Information Technology**

6. Re: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO AGREEMENT NO. 2420 WITH INTERNATIONAL BUSINESS MACHINES CORPORATION FOR DISASTER RECOVERY SERVICES

***SUMMARY: Pursuant to Agreement No. 2420, International Business Machines Corp. (IBM) has provided the Port with disaster recovery services consisting of the provision of alternate recovery sites and computer equipment that is necessary for the recovery of the critical computing systems if the Port's computer systems were rendered inoperable or inaccessible during a disaster. The Port is coordinating with the City's Information Technology Agency to procure a contract that would satisfy multiple Departments' disaster recovery requirements; however, the City's process has been delayed. A contract extension is requested to keep the Port's services in place until the City's contract is available. Staff recommends amending this Agreement to authorize additional compensation within the same scope of work and extend the term of the Agreement for an additional year.***

**Recommendation: Resolve that (1) the Board find that, in accordance with the City Charter Section 1022, work under the subject Agreement (provision of disaster recovery facilities and equipment for the recovery of computer systems) can be performed more feasibly by independent contractors than by City employees; (2) the First Amendment to Agreement No. 2420 between the City of Los Angeles and IBM to increase the not-to-exceed amount from \$200,000 to \$300,000 to provide disaster recovery services and increase the term from three years to four years be approved; (3) the Executive Director and the Board Secretary be authorized to execute and to attest to the First Amendment; and (4) Resolution No. \_\_\_\_\_ be adopted.**

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**Port Police**

7. Re: TEMPORARY ORDER NO. \_\_\_\_\_ AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 2, ITEM 220, PENALTIES FOR VIOLATION

***SUMMARY: A Permanent Order amending penalties for violations was approved by the Board of Harbor Commissioners on December 6, 2007. An initial Temporary Board Order was also approved and made valid for ninety days, effective December 20, 2007.***

***A Second Temporary Order was approved by the Board of Harbor Commissioners on February 21, 2008, to allow time for the Permanent Board Order to pass through the City Council process. The second Temporary Order was effective on March 10, 2008, and expired June 6, 2008.***

***A Third Temporary Order was approved by the Board of Harbor Commissioners on June 5, 2008 to allow time for the Permanent Board Order to pass through the City Council process. The Third Temporary Order was effective on June 23, 2008, and will expire September 20, 2008.***

***A Fourth Temporary Order is being proposed to allow sufficient time for the Permanent Board Order to pass through the City Council approval process. The Order is currently in the Office of the Mayor, and due to Council's summer recess, the Order will not pass to the Trade, Commerce and Tourism Committee until mid September 2008. This Temporary Order, if approved, will expire 90 days after the day it is published or upon execution of the Permanent Order by the City Council whichever occurs first.***

**Recommendation: Board resolve that (1) the Temporary Order amending Port of Los Angeles Tariff No. 4, Section 2, Item 220, to add language and items for misdemeanors and infractions to the tariff be adopted; and (2) the Board Secretary be authorized to execute the temporary Board Order and transmit same to Chief Wharfinger for implementation.**

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**Real Estate Division**

- 8. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO  
THE PORT COMMUNITY ADVISORY COMMITTEE  
RECOMMENDATION NO. 79**

***SUMMARY: This report is provided in response to Port  
Community Advisory Committee (PCAC) Recommendation No.  
79.***

***PCAC Recommendation No. 79 recommends that the Port does  
not grant Team Sheriff Racing, National and International  
Brotherhood of Street Racers (Brotherhood Raceway), and/or  
any other proposed raceway operator the use of the Anchorage  
Road Dredge Materials Storage Site in Wilmington for a raceway.  
The proposed raceway site would be located on Port property  
west of Henry Ford Avenue, north of Anchorage Road. Staff  
concurs with PCAC Recommendation No. 79 for approval.***

**Recommendation: Board resolve that (1) PCAC's  
Recommendation No. 79 be considered and approved; and (2)  
Resolution No. \_\_\_\_\_ confirming staff's findings and  
recommendation, as set forth in the following discussion, be  
adopted.**

- 9. Re: RESOLUTION NO. \_\_\_\_\_ - SECOND AMEND-  
MENT TO REVOCABLE PERMIT NO. 96-44 FROM  
STARKIST, DBA HEINZ PET PRODUCTS TO DEL  
MONTE CORPORATION**

***SUMMARY: Under Revocable Permit No. 96-44, the Harbor  
Department (Harbor) granted Heinz Pet Products (HPP) property  
in Fish Harbor on Terminal Island for the construction, operation  
and maintenance of employee parking lots. Approval of the  
administrative action, which will assign Revocable Permit No.  
96-44 from HPP to Del Monte Corporation, will allow the permit  
to properly reflect the correct tenant of record.***

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**9. (Continued)**

**Recommendation:** Board resolve that (1) the proposed Second Amendment to Revocable Permit No. 96-44 to allow the assignment of Revocable Permit No. 96-44, on a one-time basis, from HPP to Del Monte Corporation (included as Exhibit A to the Second Amendment is the Guarantee Agreement from Del Monte Foods Company) be approved; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the Second Amendment to Revocable Permit No. 96-44; and (3) Resolution No. \_\_\_\_\_ approving the one-time assignment of Revocable Permit No. 96-44 from HPP to Del Monte Corporation be adopted.

**10. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED THIRD  
AMENDMENT TO PERMIT NO. 387 WITH SAN PEDRO  
FISH MARKETS**

***SUMMARY: Permit No. 387 grants San Pedro Fish Markets the right to develop and operate a retail and wholesale fish market and seafood restaurant on 10,500 square feet of Harbor Department land and 15,752 square feet of water surface area located at Berth 78, adjacent to Ports O' Call Village, for a thirty-year term commencing March 15, 1979. The proposed action requests approval of a Third Amendment to Permit No. 387, which will allow the sale and consumption of liquor in conjunction with restaurant operations on the first floor of the San Pedro Fish Markets facility.***

**Recommendation:** Board resolve that (1) the Third Amendment to Permit No. 387 with San Pedro Fish Markets be approved; (2) the Executive Director and the Board Secretary be authorized to execute and to attest to the Third Amendment to Permit No. 387; and (3) Resolution No. \_\_\_\_\_ approving the Third Amendment to Permit No. 387 be adopted.

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**REGULAR ITEMS (11-13)**

**Environmental**

- 11. Re: RESOLUTION NO. \_\_\_\_\_ CHINA SHIPPING PORT  
COMMUNITY AESTHETIC MITIGATION PROJECT –  
AGREEMENT TO FUND THE BANNING MUSEUM  
TRANSPORTATION EXHIBIT**

***SUMMARY: On February 21, 2008, the Board of Harbor Commissioners approved the Banning Museum Transportation Exhibit project and allocated Community Aesthetic Mitigation funding for this project. It is now recommended that the Board approve the Agreement to fund the Banning Museum Transportation Exhibit in an amount not-to-exceed \$900,000.***

**Recommendation: Board resolve that (1) the Agreement with The Friends of Banning Park Corporation for the Banning Museum Transportation Exhibit project be approved for a term of two years in an amount not-to-exceed \$900,000; (2) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement for and on behalf of the Board; and (3) Resolution No. \_\_\_\_\_ be adopted.**

**City Attorney**

- 12. Re: RESOLUTION NO. \_\_\_\_\_ SECOND AMENDMENT TO  
AGREEMENT NO. 2519 BETWEEN THE CITY OF LOS  
ANGELES AND KAYE SCHOLER, LLP FOR LEGAL  
SERVICES**

***SUMMARY: The City Attorney requests authority for a Second Amendment and adoption of the Resolution increasing the appropriation from \$2,685,000 to \$4,683,662.***

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**12. (Continued)**

**Recommendation:** Board resolve that (1) the Second Amendment to Agreement No. 2519 increasing the maximum contract amount by \$1,998,662 be approved; (2) this Resolution increasing the maximum contract amount for Agreement No. 2519 be adopted; (3) the Board Secretary be directed to transmit the Second Amendment to Agreement No. 2519 to the Mayor for approval pursuant to Section 343 (b) of the City Charter; (4) \$1,998,662 be appropriated from the Unappropriated Balance to the Harbor Department City Attorney's Office Account No. 54410, Division No. 0120, Program No. 000 for services in Fiscal Years 2008-09 through 2009-10; and (5) the Executive Director be authorized to execute the Second Amendment to Agreement No. 2519 increasing the maximum contract amount from \$2,685,000 to \$4,683,662.

**13. Re: RESOLUTION NO. \_\_\_\_\_ WAIVING THE POTENTIAL CONFLICT WITH RESPECT TO MAYER BROWN, LLP REPRESENTATION OF OUTSIDE ADVERTISING FIRMS CHALLENGING A CITY ORDINANCE RE: SIGNS**

***SUMMARY: The proposed action involves the Board approval of a requested waiver of a conflict of interest from the law firm of Mayer Brown, LLP. The firm represents the City of Los Angeles in the United States of America Ex Rel. State of California Ex Rel., Stanley D. Mosler vs. City of Los Angeles, et al., U.S.D.C., Case No. CV-02-2278 SJO (RZX). Now, it seeks to represent Community Redevelopment Association LLC dba Liberty Media Group and Summit Media, LLC in litigation against the City of Los Angeles. At issue in the litigation is the legality of the City ordinance regulating billboards and street signs.***

**Recommendation:** Resolve that (1) the Board of Harbor Commissioners formally waives any potential conflict that might arise by way of Mayer Brown, LLP representation of Community Redevelopment Association, LLC dba Liberty Media Group and Summit Media, LLC; (2) the City Attorney's Office be authorized to execute a written conflict waiver; and (3) Resolution No. \_\_\_\_\_ approving the conflict waiver be adopted.

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**H. DEPUTY EXECUTIVE DIRECTOR REPORT**

**Deputy Executive Director John Holmes, Space Needs  
Action Plan**

**I. 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, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of outside counsel.**
- 2. Discussion of pending litigation entitled: 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, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 3. Instructions to negotiators relating to lease negotiations with San Pedro Waterfront, LLC concerning proposed amendment to Revocable Permit No. 03-04, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for San Pedro Waterfront, LLC will be Jayme Wilson. The negotiator for the Port of Los Angeles will be Kathryn McDermott.**
- 4. 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.**