

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JUNE 7, 2007, 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 MUST 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**

**C.    REPORT OF THE EXECUTIVE DIRECTOR**

**D.    REPORTS OF COMMISSIONERS**

**E.    PRESENTATIONS**

1.    Introduction of the 2007 ITEP Summer Intern Class  
     Brenda Espinosa

**F.    BOARD COMMITTEE REPORTS**

**G.    APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the regular meetings of the Los Angeles Board of Harbor Commissioners of January 18, 2007, February 1, 2007, February 15, 2007, March 1, 2007 and special meetings of November 20, 2006 and March 22, 2007 for approval.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

**Consent Items (1-7)**

**Information Technology Division**

1. Re: AWARD OF CONTRACT NO. 39378 FOR THE PURCHASE AND INSTALLATION OF STORAGE AREA NETWORK EQUIPMENT, BID #F-535, TO XIOTECH CORPORATION

*SUMMARY: Recommendation to award a contract to Xiotech Corporation for the purchase and installation of a new Storage Area Network (SAN) to address the Harbor Department's increasing data storage needs, server availability configurations and disaster recovery functions.*

**Recommendation:** Board resolve that (1) approval be granted for awarding of Contact No. 39378, Bid #F-535, for the purchase and installation of Storage Area Network Equipment to Xiotech Corporation, 6455 Flying Cloud Drive, Eden Prairie, MN, in the amount of \$518,663 plus sales tax; and (2) the Executive Director be authorized to execute said contract on behalf of the Board of Harbor Commissioners.

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Homeland Security

2. Re: ACCEPTANCE OF ASSISTANCE AWARD UNDER  
ROUND SIX OF THE FEDERAL PORT SECURITY  
GRANT PROGRAM

*SUMMARY: In September 2006, the Port of Los Angeles (POLA) was awarded a federal grant in the amount of \$4,646,477, to participate in the initial implementation phase of the Transportation Worker Identification Credential (TWIC) program. This grant was from Round Six of the U.S. Department of Homeland Security Port Security Grant Program. As a requirement of this grant, POLA is to pay a 25% project cost share equaling \$1,161,619.*

**Recommendation:** Board resolve that (1) the U.S. Department of Homeland Security Assistance Award Number 2006-GB-T6-0100 in the amount of \$4,646,477, between the City of Los Angeles Harbor Department and the U.S. Department of Homeland Security be accepted; and (2) the Deputy Executive Director of Operations be authorized to execute the attached Assistance Award agreement on behalf of the Board.

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Construction and Maintenance

3. Re: APPROVAL OF FIRST AMENDMENT TO AGREEMENT  
NO. 2407 WITH PACIFIC TUGBOAT SERVICE

*SUMMARY: Pacific Tugboat Service provides the Port of Los Angeles with a support barge and tugboat services in order to deliver Alternative Maritime Power (AMP) to container ships at the West Basin Container Terminal at Berth 100 per terms of Agreement No. 2407. The proposed amendment extends the current two-year contract for another year and provides for additional compensation to continue the services provided under the current agreement.*

**Recommendation:** Resolve that (1) the Board find that the work to be completed is of a specialized and temporary nature which can be performed more feasibly by an outside contractor; (2) the First Amendment to Agreement No. 2407 with Pacific Tugboat Service which provides for a one-year extension to the current two-year contract through June 21, 2008 and \$203,360 in additional compensation be approved; and (3) the Executive Director and the Board Secretary be directed to execute and attest to the First Amendment to Agreement No. 2407.

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Real Estate Division

4. Re: PROPOSED FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT NO. 2336 BETWEEN THE CITY OF LOS ANGELES (CITY) AND ABM ENGINEERING SERVICES (ABM) FOR OPERATING ENGINEERING SERVICES OF THE HARBOR ADMINISTRATIVE BUILDING AND LIBERTY HILL PLAZA BUILDING

***SUMMARY:*** *ABM provides building engineering services to the Harbor Administrative Building (HAB) and the Liberty Hill Plaza Building (LHP) under Agreement No. 2336.*

*The proposed First Amendment will extend the term of Agreement No. 2336 with ABM for an additional six (6) months and increase the contract amount by \$92,400 in order to provide for adequate facilities engineering services until such time a new contract can be entered into.*

*The current agreement provides for one full-time building engineer to be on the premises Monday through Friday. Cost of operations is approximately 80% for HAB and 20% for LHP, based on staff estimates.*

**Recommendation:** Board resolve that (1) the Executive Director be authorized to execute the proposed First Amendment with ABM Engineering Services (ABM) based on the following:

- A. Services will be provided for a period not to exceed six (6) months commencing August 1, 2007, and terminating February 28, 2008, with the option to terminate at any time with a written 30-day notice by City; and
- B. The proposed First Amendment increases the total contract by \$92,400, from \$516,434.79 to \$607,834.79. Funds are available in Account 54010, Center 0424, for allocation as follows: \$92,700 for Fiscal Year 07/08.

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5.    Re:    TRANSFER OF JOINTLY-OWNED PROPERTY BY THE  
          PORT OF LOS ANGELES (POLA) AND THE PORT OF  
          LONG BEACH (POLB); EASEMENT DEED (FEEDER  
          CONVEYANCE) TO THE ALAMEDA CORRIDOR  
          TRANSPORTATION AUTHORITY (ACTA) - LAHD FILE  
          NO. 70006

*SUMMARY: POLA and POLB jointly purchased railroad right of way to construct the Alameda Corridor. After construction, numerous remnants of land were identified that are not needed for corridor operations. These parcels should be transferred to local municipalities. The transfers covered by this Feeder Conveyance to third party corridor cities and the railroad are complex and contain extensive indemnification and liability provisions. We are proposing to expedite this process by making one transfer via this proposed deed to ACTA. ACTA will then convey these parcels to the required corridor cities and railroad.*

**Recommendation:** Board resolve that (1) the Order and Ordinance approving and authorizing the proposed Feeder Conveyance for numerous streets, storm drains, sewers, bridges, wall footing and utility easements by the City of Los Angeles, a municipal corporation, acting by and through its Board and by the City of Long Beach, a municipal corporation, acting by and through its Board, said grants being a Joint Grant of Easement interests for the parcels shown on Exhibit A (comprising a total of 372,722 square feet/8.55 acre) be adopted; and (2) the Board Secretary be authorized and directed to transmit the Order and Ordinance to the City Council for its approval pursuant to Section 385 of the City Charter.

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6. Re: DOMINQUEZ GAP BARRIER PROJECT GRANT DEED AND AGREEMENT BETWEEN THE PORT OF LOS ANGELES (POLA) AND THE PORT OF LONG BEACH (POLB) TO LOS ANGELES COUNTY FLOOD CONTROL DISTRICT (LACFCD) – LAHD FILE NO. 70007

***SUMMARY:*** *On December 28, 1994, POLA and POLB jointly purchased certain railroad properties in the County of Los Angeles in connection with the construction of the Alameda Corridor. One such property, the Union Pacific San Pedro Subdivision, passes through several municipalities between San Pedro Bay and downtown Los Angeles. The POLB and POLA have previously entered into a Joint Right of Entry Agreement with LACFCD (Agreement 2208) which allowed LACFCD to construct and use a 54-inch water line, 16 feet below the surface. The Grant Deed and Agreement being requested would grant a perpetual easement to the LACFCD for the maintenance, repair, and use of the 54-inch diameter water line associated with the former Union Pacific Railroad property, as depicted on the attached maps. The Grant Deed and Agreement will supersede the Joint Right of Entry Agreement.*

**Recommendation:** Board resolve that (1) the Order and Ordinance approving and authorizing the proposed Grant Deed and Agreement by the City of Los Angeles, a municipal corporation, acting by and through its Board, the City of Long Beach, a municipal corporation, acting by and through its Board, and the LACFCD be adopted; (2) the Board Secretary be authorized and directed to transmit the Order and Ordinance to the City Council for its approval pursuant to Section 385 of the City Charter; and (3) the Executive Director and Board Secretary be authorized to execute the Grant Deed and Agreement upon approval by City Council.

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7. Re: PROPOSED JOINT REVOCABLE PERMIT NO. 07-07 BETWEEN THE PORT OF LOS ANGELES (POLA) AND THE PORT OF LONG BEACH (POLB) WITH HARBOR LAND COMPANY, LLC FOR A PRIVATE, NON-EXCLUSIVE ROAD CROSSING - (LAHD FILE NO. 70012)

*SUMMARY: On December 28, 1994, the Ports of Los Angeles and Long Beach jointly purchased certain railroad properties in the County of Los Angeles in connection with the construction of the Alameda Corridor. One such property, the Union Pacific San Pedro Subdivision, passes through several municipalities between San Pedro Bay and downtown Los Angeles. Harbor Land Company LLC is requesting a private non-exclusive road crossing over jointly-owned property for the purpose of accessing their facility located east of the intersection of West Dominguez Street and the 710 freeway in the City of Long Beach, as depicted on the attached map.*

*The crossing exists today and is fully improved with crossing gates. The right to cross was originally granted by the railroad to a past property owner. Due to confusion created by the sale of the railroad right of way and several ownership changes of the affected property the original agreement was never assigned to the proper party. This proposed agreement will grant the proper entitlement for this crossing and will include all current Port required indemnification language, which will protect the Port from future liability.*

**Recommendation:** Board resolve that (1) the execution of proposed Joint Revocable Permit No. 07-07 by and between the City of Los Angeles, acting by and through its Board, the City of Long Beach, acting by and through its Board, and Harbor Land Company, LLC be approved and authorized; and (2) the Executive Director and Board Secretary be authorized to execute and attest to proposed Joint Revocable Permit No.07-07.

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8. Re: PROPOSED REVOCABLE PERMIT NO. 07-15 WITH AL LARSON BOAT SHOP, INC., BERTHS 257-258, TERMINAL ISLAND

*SUMMARY: This proposed action is for authorization to execute a successor Revocable Permit with Al Larson Boat Shop, Inc. (ALBS) covering 2.34 acres of waterfront land and 2.46 acres of water space located at 1046 South Seaside Avenue, Terminal Island for the purpose of continuing the operation of a boat building and ship repair facility at Berths 257-258, Terminal Island. The proposed Revocable Permit also is being presented to the Board because the terms of the Permit will commit the Department to relocate Seaside Avenue at a cost of approximately \$770,000. This will allow ALBS to extend its boatways in an effort to gain compliance with the Clean Water Act.*

**Recommendation:** Board resolve that Revocable Permit No. 07-15 be approved and the Executive Director and Board Secretary be authorized to execute and attest to the proposed revocable permit, based on the terms and conditions as set forth in the Board report.

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## Regular Item (9)

### Accounting & Budget Division

9. Re: ADOPTION OF THE FISCAL YEAR (FY) 2007/08  
ANNUAL BUDGET

*SUMMARY: The Board is requested to approve the proposed Fiscal Year (FY) 2007/08 Annual Budget for the Port of Los Angeles. The Proposed Budget reflects a level of revenues and spending to support clean, responsible growth, safe-guarding the Port as a critical national asset, various major capital projects and administrative refinements. (See Transmittal No. 1, Proposed FY 2007/08 Annual Budget).*

*The Proposed Budget totals \$1 billion in appropriations for total spending and revenues. This Budget supports the Port's FY 2007/08 funding priorities including:*

- *Operating & Non-Operating Expense* *\$267 M*
- *Capital Budget* *242 M*
- *Future Commitments for Multi-Year Contracts* *87 M*

*The overall budget also reflects increased revenues from projected cargo volume increase resulting in healthy reserves and ending cash balance including:*

- *Emergency Funds* *\$191 M*
- *Environmental Incentives* *25 M*
- *Operations and Unanticipated Costs* *125 M*
- *Projected Year-End Cash Balance* *48 M*

*Finally, the Port submits the Proposed FY 2007/08 Operating Expense Budget at \$209 million, with funding priorities for:*

- *Additional Port Police personnel and associated costs*
- *Transportation Worker Identification Credential (TWIC) Program*
- *Implementation of the Clean Air Action Plan*
- *Economic development activities*
- *Technology improvements*
- *Centennial celebration*

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9. (Continued)

**Recommendation:** Board resolve that (1) the Proposed FY 2007/08 Annual Budget and appropriate funds in accordance therewith be adopted; (2) the Proposed FY 2007/08 Harbor Department Organization Chart that reflects proposed organizational structure for the upcoming fiscal year be adopted; and (3) the Executive Director, or designee, be authorized to make any technical adjustments to all budget documents to reflect any Board action subsequent to this adoption before July 1, 2007.

I. **CLOSED SESSION**

1. 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.
2. Discussion of pending litigation entitled: **South Central Farmers Feeding Families, et al. v. City of Los Angeles, et al.**, Los Angeles Superior Court Case No. BC311110, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: **Los Angeles Port Pilots Association, ILWU, Local 68 v. City of Los Angeles, et al.**, City of Los Angeles Employee Relations Board ARB No. 2620, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
4. 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.