

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, NOVEMBER 5, 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 Cindy Miscikowski  
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. EXECUTIVE DIRECTOR'S REMARKS**

**D. REPORTS OF COMMISSIONERS  
Discussion of 2010 Board Meeting Calendar**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATION  
Eastview Little League, Inc. Progress Update**

**G. APPROVAL OF MINUTES  
Minutes of the special meetings of Los Angeles Board of Harbor Commissioners of March 16, 2009, March 17, 2009, and September 29, 2009, and regular meeting of September 17, 2009 for approval.**

**H. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1- 9)**

**Commission Office**

1. Re: RESOLUTION NO. \_\_\_\_\_ - APPOINTING COMMISSIONER JERILYN LÓPEZ MENDOZA AND REAPPOINTING COMMISSIONER KAYLYNN L. KIM TO THE PORT ELECTRIFICATION COMMITTEE

**Recommendation:** Adoption of the subject Resolution appointing Commissioner Jerilyn López Mendoza and Commissioner Kaylynn L. Kim to the Port Electrification Committee.

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2. Re: RESOLUTION NO. \_\_\_\_\_ - ESTABLISHING AN AD-HOC COMMITTEE ON BUSINESS DEVELOPMENT AND APPOINTING COMMISSION PRESIDENT CINDY MISCIKOWSKI AND COMMISSIONER KAYLYNN L. KIM

**Recommendation:** Adoption of the subject Resolution establishing an Ad-Hoc Committee on Business Development and appointing Commission President Cindy Miscikowski and Commissioner Kaylynn L. Kim to the Committee.

3. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVING THE TRAVEL FOR COMMISSIONER JOSEPH RADISICH TO SOUTH AMERICA

**Recommendation:** Adoption of the subject Resolution approving travel for Commissioner Joseph Radisich to participate in Business Development meetings in Panama; and to attend the TOC Americas 2009 Conference in Buenos Aires, Argentina.

4. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVING PRESIDENT CINDY MISCIKOWSKI'S TRAVEL TO ASIA

**Recommendation:** Adoption of subject Resolution approving travel for President Cindy Miscikowski to attend and participate in the World Shipping Summit in Qingdao, China.

**Construction and Maintenance**

5. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONTRACT NO. 39498 TO SIMPLEX GRINNELL FOR PORT-WIDE FIRE ALARM AND FIRE SUPPRESSION SYSTEM MAINTENANCE

***SUMMARY: The Construction and Maintenance Division (C&M) requests the approval of a one-year contract with two, one-year renewal options to Simplex Grinnell of Orange, California for Port-wide fire alarm and fire suppression system maintenance for an amount not to exceed \$450,000 for the first year and \$500,000 for each of the two subsequent years if the renewal options are exercised. The contract is based on a cooperative arrangement with the federal General Services Administration (GSA) Contract Nos. GS-07F-0396M and GS-06F-0054N. The proprietary fire-life safety systems installed for the Harbor Department preclude City employees from maintaining, testing and programming the equipment.***

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5. (Continued)

**Recommendation:** Board resolve to (1) find that in accordance with City of Los Angeles Administrative Code Division 10, Chapter 1, Article 2, Section 10.15 (a)(8), the Harbor Department may enter into the agreement with Simplex Grinnell based on a cooperative arrangement with GSA to utilize Contract Nos. GS-07F-0396M and GS-06F-0054N; (2) find that in accordance with Los Angeles City Charter Section 1022, work under the subject contract can be performed more feasibly by independent contractors than by City employees; (3) award Contract No. 39498 (Bid No. F-654), in the amount of \$450,000 for fire alarm and fire suppression system maintenance throughout the Port of Los Angeles to Simplex Grinnell of Orange, California, for a period of one year, with two, one-year renewal options in the amount of \$500,000 each option year; (4) authorize the Executive Director or designee to execute the one-year contract and two, one-year renewal options, in accordance with GSA Contract Nos. GS-07F-0396M and GS-06F-0054N; and (5) adopt Resolution No. \_\_\_\_\_ .

**Engineering**

6. Re: RESOLUTION NO. \_\_\_\_\_ AMENDMENT NO. 3 – PERSONAL SERVICES AGREEMENT NO. 2311 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND McLARAND VASQUEZ EMSIEK & PARTNERS, INC. FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES
- SUMMARY: Agreement No. 2311 between the City of Los Angeles Harbor Department (Harbor Department) and McLarand Vasquez Emsiek & Partners, Inc. (MVE), Irvine, California to provide architectural and engineering design services for the Port of Los Angeles Police Headquarters project was approved by the Board of Harbor Commissioners on December 17, 2003. The current contract term, including changes approved in earlier amendments, expires on January 17, 2010. Amendment No. 3 to Agreement No. 2311 will allow the Harbor Department to extend the Agreement duration an additional two years for a total term of eight years. The two years of additional time will allow the Harbor Department to retain McLarand Vasquez Emsiek & Partners, Inc. architectural and engineering services during construction and provide documentation and verification for Leadership in Energy and Environmental Design (LEED) Gold rating for the Port of Los Angeles Police Headquarters project. No additional funds are being requested.***

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6. (Continued)

**Recommendation:** Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under this Amendment can be performed more economically by current project Consultant, McLarland Vasquez Emsiek & Partners, Inc., Irvine, California, rather than by City employees; (2) approve Amendment No. 3 to Agreement No. 2311 with McLarland Vasquez Emsiek & Partners, Inc., extending the Agreement duration by two years for a total term of eight years; (3) authorize and direct the Board Secretary to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; (4) authorize the Executive Director to execute and the Board Secretary to attest to this Amendment for and on behalf of the Board; and (5) adopt Resolution No.\_\_\_\_\_.

**Homeland Security**

7. Re: RESOLUTION NO. \_\_\_\_\_ ACCEPTANCE OF THE  
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009  
PORT SECURITY GRANT PROGRAM AWARD NO. 2009-PU-  
R1-0176

***SUMMARY: On February 17, 2009, President Barack Obama signed The American Recovery and Reinvestment Act of 2009 (ARRA). The ARRA is the federal economic stimulus package of \$787 billion. On September 29, 2009, the City of Los Angeles Harbor Department (Harbor Department) was awarded \$6,000,000 under the ARRA Port Security Grant Program (PSGP). This grant is administered by the Department of Homeland Security Federal Emergency Management Agency (FEMA). The Harbor Department submitted applications for three projects. Due to the highly competitive nature of the grants, the Harbor Department was awarded one, the Port-wide Fiber Optic Project. The system will carry data from security systems including surveillance video, radar, Radio Frequency Identification Devices, emergency notification, and asset tracking systems. It will also provide a means for port wide interconnectivity of the Transportation Worker Identification Credential (TWIC) system. This infrastructure improvement project falls in line with the PSGP priorities as outlined in the Port-Wide Risk Mitigation Plan, the Area Maritime Security Plan, and the United States Coast Guard (USCG) Captain of the Port Priorities. This is a reimbursable grant, and the Harbor Department may request cost reimbursement on a quarterly basis. The grant award period is September 1, 2009 to August 31, 2012. There is no cost share requirement associated with this grant, and it will be managed by existing Harbor Department staff.***

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7. (Continued)

**Recommendation:** Board resolve to (1) accept the American Recovery and Reinvestment Act of 2009 Port Security Grant Program Award No. 2009-PU-R1-0176 (ARRA); (2) authorize the Director of Homeland Security to execute the attached Cooperative Agreement on behalf of the Board; and (3) adopt Resolution No. \_\_\_\_\_.

**Marketing**

8. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED ASSIGNMENT AND ASSUMPTION AGREEMENT OF AGREEMENT NO. 2629 BETWEEN PIERS RESOURCE & SERVICES AND THE CITY OF LOS ANGELES TO PIERS PORT MARKETING & CONSULTANCY

***SUMMARY: Piers Resource & Services (Piers Resource) serves as the Southeast Asia marketing representative in Singapore for the Los Angeles Harbor Department (Harbor Department). Agreement No. 2629 with Piers Resource was approved by the Board of Harbor Commissioners (Board) on February 20, 2008. Piers Resource has undergone a corporate reorganization to separate port marketing services from other consultancy services that are handled by the corporation. Thus, Piers Resource deemed it necessary to create a new entity under the name Piers Port Marketing & Consultancy (Piers Port) to allow for the continuation of port marketing services apart from their other businesses. The proposed Assignment and Assumption Agreement assigns Agreement No. 2629 from Piers Resources to Piers Port which will assume all obligations under Agreement No. 2629. All terms and conditions of the agreement shall remain the same.***

**Recommendation:** Board resolve to (1) approve the proposed Assignment and Assumption Agreement of Agreement No. 2629; (2) upon approval by the Board, authorize the Executive Director to execute and the Board Secretary to attest to the proposed Assignment and Assumption Agreement; and (3) adopt Resolution No. \_\_\_\_\_.

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Real Estate

9. Re: ORDER NOS. \_\_\_\_\_ - DIRECTING VARIOUS  
LOS ANGELES HARBOR DEPARTMENT TENANTS TO  
RELOCATE PIPELINES INTERFERING WITH THE BERTH 200  
RAIL YARD PROJECT

*SUMMARY: The Los Angeles Harbor Department (Harbor Department) plans to relocate the existing Pier A railroad switching and classification yard (Pier A Rail Yard) to Berth 200, as depicted on the attached map (Transmittal 2). The relocation of the Pier A Rail Yard to Berth 200 (Berth 200 Rail Yard Project) is required to allow for the development of the Trans Pacific Container Service Corporation (TraPac) container terminal on-dock rail facility. However, to accommodate the Berth 200 Rail Yard Project, several underground and possibly above-ground pipelines from various companies must first be removed, relocated, or protected in place. The proposed Orders will serve as notice to impacted Harbor Department pipeline tenants, in accordance with each pipeline tenant's permit, to remove and relocate the affected pipelines.*

**Recommendation:** Board resolve to (1) adopt the Orders directing Chevron U.S.A., Inc.; Ultramar Inc.; Kinder Morgan Tank Storage Terminals LLC; ExxonMobil Oil Corporation; Mobil Pacific Pipeline Company; Paramount Petroleum Corporation; Southern California Gas Company; Equilon Enterprises LLC, dba Shell Pipeline Company; Shell Oil Company; Vopak Terminal Los Angeles Inc.; and the City of Long Beach to relocate pipelines; (2) authorize the Board Secretary to attest to the Orders directing the aforementioned Harbor Department tenants to relocate their pipelines; and (3) adopt Order Nos. \_\_\_\_\_.

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Regular Items (10 & 11)

Environmental

10. Re: RESOLUTION NO. \_\_\_\_\_ - FUNDING OF THE PORT  
COMMUNITY MITIGATION TRUST FUND FOR CHINA  
SHIPPING PROJECT

*SUMMARY: On April 2, 2008, the Board of Harbor Commissioners (Board) approved a Memorandum of Understanding (MOU) between the City of Los Angeles (City) and the Appellants of the TraPac Environmental Impact Report. The MOU provided for the establishment of the Community Mitigation Trust Fund (Trust Fund) to be funded upon construction of specified Port development projects. The Trust Fund is invested by City of Los Angeles Treasury pending further discussions with the Appellants and restricted in use to the purposes specified in the MOU. With approval of construction of the China Shipping Terminal, staff now recommends transfer of \$4,017,300 from the Harbor Revenue Fund into the Trust Fund in accordance with the MOU. Upon deposit of the China Shipping Project funds, the Trust Fund will have a balance of \$15,257,300. At the Board's request this item was held over from the October 6, 2009 Board meeting to discuss the amount of payment in light of reduced container cargo volumes at the Port of Los Angeles.*

Recommendation: Board resolve to (1) authorize the transfer of \$4,017,300 from the Harbor Revenue Fund to the "Community Mitigation Trust Fund"; (2) adopt Resolution No. \_\_\_\_\_ transferring the \$4,017,300; and (3) direct the Board Secretary to transmit the Resolution to the Mayor for approval pursuant to Section 343(b) of the City Charter.

Real Estate

11. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED FIRST AMENDMENT  
TO AGREEMENT NO. 08-2700 WITH LUNCH STOP, INC.

*SUMMARY: The Los Angeles Harbor Department (Harbor Department) Administration Building cafeteria (Port Pantry) opened in September 2008. LunchStop, Inc. (LunchStop) was selected through a Request for Proposal (RFP) process to operate the Port Pantry for three years under Agreement No. 08-2700 (Agreement). As part of the Agreement, consideration for an employee subsidy, sales guarantee, and coffee service were included. Since this is a new operation for this facility, several adjustments have been proposed by the Harbor Department and the operator in order to maintain the quality of service required by the Agreement. The overall budgeted amount for the original Agreement will not change, and the expiration date will remain July 31, 2011.*

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11. (Continued)

*The proposed First Amendment (Transmittal 1) will: a) Clarify the Sales Guarantee Section that was the cause of disagreement between the Harbor Department and LunchStop. As a result of this disagreement, Real Estate and City Attorney staff and LunchStop entered into a temporary compromise while the details of the proposed First Amendment were being negotiated (Transmittal 2); b) Allow for catering to be funded through the Agreement; c) Give the Executive Director the authority to make Agreement modifications such as adjusting the hours of operation; d) Allow for flexibility within the budgeted elements which are all set as "not-to-exceed" amounts (only the Sales Guarantee will retain a not-to-exceed amount); and e) Amend the responsibility of servicing the oil interceptor tank at the Harbor Administration Building (HAB).*

**Recommendation:** Board resolve to (1) approve the proposed First Amendment to Agreement No. 08-2700 with Lunch Stop, Inc.; (2) authorize the Executive Director to execute and the Board secretary to attest to the First Amendment to the Agreement; (3) ratify the temporary compromise regarding the sales guarantee reached between staff and LunchStop; and (4) adopt Resolution No. \_\_\_\_\_.

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, 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: City of Riverside v. City of Los Angeles, et al., Orange County Superior Court Case No. 30-2009-00123216, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Instructions to negotiators relating to lease negotiations with APM Terminals Pacific Ltd. concerning Permit No. 827, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for APM Terminals Pacific Ltd. will be Alan McCorkle. The negotiator for the Port of Los Angeles will be Michael Galvin.