

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MAY 17, 2007, AT 6:00 P.M.
BANNINGS 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 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. BOARD COMMITTEE REPORTS

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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-7)

Planning & Research

1. Re: LEVEL I COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A MODULAR TRAILER OFFICE AT THE WEST BASIN CONTAINER TERMINAL, BERTH 129

SUMMARY: The Port of Los Angeles is proposing to construct a modular trailer office at the West Basin Container Terminal, Berth 129. A Level I Coastal Development Permit is required.

Recommendation: Board resolve that a Level I Coastal Development Permit (CDP No. 07-01) for the modular trailer office, be approved and granted subject to the standard conditions set forth in the permit, and the Director of Planning and Research be directed to issue said permit.

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Accounting & Budget

2. Re: APPROVAL OF PROPOSED PERSONAL SERVICES AGREEMENT WITH L.A. CONSULTING, INC. TO PROVIDE AUDITING SERVICES

SUMMARY: The proposed Agreement with L.A. Consulting, Inc., 1209 Manhattan Avenue, Suite 310, Manhattan Beach, CA 90266, provides for professional services to perform a comprehensive management audit of the Construction and Maintenance Division, including associated functions, processes, and procedures. The Agreement is for a not-to-exceed amount of \$225,000, including related expenses.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, the services under the subject personal services agreement are temporary and of a professional, expert, and technical nature, which can be performed more feasibly by an independent contractor; (2) the proposed Agreement at a not-to-exceed amount of \$225,000, including related expenses, with L.A. Consulting, Inc. to perform and conduct a comprehensive management audit of the Construction and Maintenance Division, including associated functions, processes, and procedures be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to said proposed Agreement for and on of the Board.

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Deputy Executive Director of Operations

3. Re: TEMPORARY ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION SIXTEEN – VESSELS – GENERAL RULES AND REGULATIONS

SUMMARY: This amendment to Port of Los Angeles Tariff No. 4 creates Controlled Navigation Areas (CNAs) in designated areas of the Harbor. The establishment of these CNA's will restrict the operation of recreational vessels within the boundaries of a designated CNA unless a permit has been issued by the Harbor Department. The proposed CNAs do not contain facilities for recreational craft and are currently used by commercial vessels only. The establishment of the CNAs will improve navigation safety by reducing non-essential vessel traffic and will improve waterside security by limiting access to commercial or permitted vessels.

The temporary order will be in effect for 90 days. A permanent order is being processed concurrently for approval by the City Council.

Recommendation: Board resolve that (1) a temporary order to amend Section One, "Definitions", Item 100, to add definition(s) of terms included in new Tariff Item 1608, and amending Section Sixteen, General Rules and Regulations, and establishing Item 1608 to Section Sixteen of the Port of Los Angeles Tariff No. 4, entitled "Controlled Navigation Areas", thereby restricting the operation of recreational vessels within designated Controlled Navigation Areas be adopted; and (2) the Board Secretary be authorized to execute the temporary Board Order and transmit it to the Chief Wharfinger for implementation.

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4. Re: PERMANENT ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION SIXTEEN – VESSELS –GENERAL RULES AND REGULATIONS

SUMMARY: This amendment to Port of Los Angeles Tariff No. 4 creates Controlled Navigation Areas (CNAs) in designated areas of the Harbor. The establishment of these CNAs will restrict the operation of recreational vessels within the boundaries of a designated CNA unless a permit has been issued by the Harbor Department. The proposed CNAs do not contain facilities for recreational craft and are currently used by commercial vessels only. The establishment of the CNAs will improve navigation safety by reducing non-essential vessel traffic and will improve waterside security by limiting access to commercial or permitted vessels.

Recommendation: Board resolve that (1) an order to amend Section One, "Definition", Item 100, to add definition(s) of terms included in new Tariff Item 1608, and amending Section Sixteen, General Rules and Regulations, and establishing Item 1608 to Section Sixteen of the Port of Los Angeles Tariff No. 4, entitled "Controlled Navigation Areas", thereby restricting recreational vessels from operating within designated Controlled Navigation Areas be adopted; and (2) the Board Secretary be directed to transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a).

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Public Relations and Legislative Affairs

5. Re: APPROVAL OF AN AGREEMENT WITH PHOENIX DECORATING COMPANY, INC. FOR THE DESIGN, FABRICATION, DECORATION AND OPERATION OF A FLOAT IN THE 2008 TOURNAMENT OF ROSES PARADE

SUMMARY: Approval is requested for an agreement with Phoenix Decorating Company, Inc., 835 South Raymond Avenue, Pasadena, CA 91105, for design, fabrication, decoration and operation of a float in the 2008 Tournament of Roses Parade. This agreement is for a not-to-exceed amount of \$350,000.

Recommendation: Resolve that (1) the Board find that the work is of a specialized and temporary nature which can be performed more feasibly by an outside contractor; and (2) the Executive Director and Board Secretary be directed to execute and attest to the agreement with Phoenix Decorating Company, Inc., at a not-to-exceed amount of \$350,000 for the term of the agreement.

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Human Resources

6. Re: EMPLOYEE ASSISTANCE PROGRAM SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND ROBERT T. DORRIS AND ASSOCIATES, INC.

SUMMARY: This proposed contract allows the Harbor Department to continue providing an Employee Assistance Program (EAP) to its employees through Robert T. Dorris and Associates, Inc., 5210 Lewis Road, Suite 7, Agoura Hills, California, 91301. The EAP provides professional and referral services to help employees address and resolve a wide variety of personal problems that may be affecting their work performance.

Recommendation: Resolve that (1) the Board find that the nature of the services needed to support an Employee Assistance Program require particularly specialized technical knowledge and experience and the Department's need to retain the most competent consultant renders this project unfit for competitive bidding; (2) the Executive Director be authorized to execute the attached three-year agreement with Robert T. Dorris and Associates, Inc., in an amount not to exceed \$117,000; and (3) the Board find that, in accordance with City Charter Section 1022, it is more feasible for this work to be done by an independent contractor than by City employees.

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City Attorney

7. Re: APPROVAL OF FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT NO. 2472 BETWEEN THE CITY OF LOS ANGELES AND HOWREY LLP RELATING TO *UNITED STATES EX REL. STANLEY MOSLER V. CITY OF LOS ANGELES, ET AL.*, UNITED STATES DISTRICT COURT CASE NO. CV-02-2278

Recommendation: Board resolve that (1) the Executive Director and City Attorney's Office be authorized to execute a First Amendment to Legal Services Agreement No. 2472 in connection with pending litigation against the Harbor Department, the City of Los Angeles and Larry A. Keller entitled United States ex rel. Stanley Mosler v. City of Los Angeles, et al., U.S.D.C. Case No. CV-02-2278, and related matters between the City of Los Angeles, acting by and through the Board of Harbor Commissioners, and Howrey LLP. The contract amendment provides for a rate increase and a two year term extension; and (2) the Board Secretary be authorized to transmit the First Amendment to Agreement No. 2472 to City Council for approval pursuant to Los Angeles City Charter § 373.

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Regular Items (8-9)

Planning & Research

8. Re: STAFF RESPONSE TO PORT OF LOS ANGELES
COMMUNITY ADVISORY COMMITTEE RECOMMEND-
ATION NO. 68 – WILMINGTON WATERFRONT
DEVELOPMENT

SUMMARY: This is the staff response to the Port Community Advisory Committee (PCAC) Recommendation No. 68. Recommendation No. 68 requests that the Board of Harbor Commissioners accept the Wilmington Waterfront Development Program Master Plan in concept, and direct staff to proceed with the environmental assessment of the Master Plan, including the Buffer and the Interim Master Plan. Staff recommends approval of PCAC Recommendation No. 68, with clarification.

Recommendation: Board resolve that (1) PCAC Recommendation No. 68, with clarification, be considered and approved; and (2) the reasons, findings, and staff recommendations set forth in the Board report discussion be adopted.

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Engineering

9. Re: AUTHORIZATION OF CONCEPTUAL AND PRELIMINARY (40%) DESIGN SUBTASKS FOR THE AVALON BOULEVARD CORRIDOR PROJECT OF THE WILMINGTON WATERFRONT DEVELOPMENT PROGRAM

SUMMARY: The Engineering Division requests that the Board of Harbor Commissioners authorize staff to issue Sasaki Associates a notice to proceed for Conceptual and Preliminary (40%) Design Services for the Avalon Boulevard Corridor project. The Avalon Boulevard Corridor project is the subject of the master plan transmitted to the Board on May 17, 2007 for conceptual approval. Issuing this notice to proceed is the next activity for completion of plans, specifications, and estimate (PS&E) for the Avalon Boulevard Corridor project, and will support environmental assessment of the project.

Recommendation: Board resolve that staff be authorized to issue Sasaki Associates a notice to proceed for Conceptual and Preliminary (40%) Design Services for the Avalon Boulevard Corridor project.

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G. 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 and retention of outside Counsel.
2. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [one (1) potential case].
3. Instructions to lease negotiators relating to lease negotiations with Ultramar, Inc., a subsidiary of Valero Energy Corporation and Valero concerning Berths 163-164, various other locations in Wilmington and premises on Terminal Island, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiators for Ultramar and Valero have not been determined. The negotiator for the Port of Los Angeles will be Michael Galvin.