

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, JULY 1, 2010 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 ([://www.portoflosangeles.org](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 REMARKS**

**D. REPORTS OF THE COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATIONS**

**Dr. Ralph Appy, Retirement Resolution**

**LA Waterfront Update, Executive Director  
LA Waterfront Implementation Guidelines  
Comments/Issues and Response Resolution Matrix  
LA Waterfront Program Communications Protocol for  
Community Meetings**

**PierPass Update, Bruce Wargo**

**G. APPROVAL OF MINUTES**

**Minutes of the regular meeting of January 21, 2010, for approval.**

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H. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 8)

Commission Office

1. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF TRAVEL FOR  
PRESIDENT CINDY MISCIKOWSKI TO ASIA

Recommendation: Adoption of subject Resolution approving travel for President Cindy Miscikowski to Shanghai, China and Seoul, Korea for Business Development meetings with terminal operators, shipping lines, and port authorities.

Engineering and Contracts & Purchasing

2. Re: RESOLUTION NO. \_\_\_\_\_ AWARD OF CONTRACT NO.  
39527 – 6.6 KV MINI AMP MOBILE ELECTRICAL CABLE  
MANAGEMENT UNIT FOR BERTH 93A&B CRUISE TERMINAL  
ALTERNATIVE MARITIME POWER SYSTEM TO ABCO  
TRADING COMPANY

*SUMMARY: Staff recommends award of Contract No. 39527 (Transmittal No. 1) in the amount of \$1,109,750 to ABCO Trading Company, Los Angeles, California, to furnish transportation, labor, materials, and equipment to deliver, test, and commission one 6.6 kilovolt (kV) Mini Alternative Maritime Power (AMP) Mobile Unit. A 6.6 kV Mini AMP Mobile Unit is a flexible power cable management system required to connect a 6.6 kV cruise ship to shore based 6.6 kV AMP power outlets.*

Recommendation: Board resolve to (1) award Contract No. 39527 for furnishing transportation, labor, materials, and equipment to design, manufacture, deliver, install, test and commission one 6.6 kV Mini AMP Mobile Unit to ABCO Trading Company in a total amount of \$1,217,951 total including sales tax; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Contract for and on behalf of the Board; and (3) adopt Resolution No. \_\_\_\_\_ .

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Planning and Economic Development

3. Re: RESOLUTION NO. \_\_\_\_\_ - ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (NO. 10-04) TO CHEVRON PIPELINE COMPANY FOR THE REMOVAL OF IDLE PIPELINES AT BERTH 200

**SUMMARY:** *Chevron Pipeline Company (Chevron) is proposing to remove and dispose of approximately 1,600 feet of eight-inch pipeline, as well as 100 feet of six-inch pipeline, at Berth 200. Staff is recommending the Board of Harbor Commissioners (Board) approve Coastal Development Permit (CDP) No. 10-04, a Level I, non-appealable permit for the proposed project.*

**Recommendation:** Board resolve to (1) find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (2) authorize the Executive Director to approve the issuance of CDP No. 10-04; and (3) adopt Resolution No. \_\_\_\_\_.

4. Re: RESOLUTION NO. \_\_\_\_\_ - ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (NO. 10-05) TO NATIONAL POLYTECHNIC UNIVERSITY FOR THE DEMOLITION OF THREE WATER TANKS, ONE CINDER BLOCK BUILDING, AND ASSOCIATED FOOTINGS AT 272 SOUTH FRIES AVENUE

**SUMMARY:** *National Polytechnic University (National University) is proposing to demolish three water tanks, one cinder block building, and associated footings at 272 South Fries Avenue in Wilmington, in order to satisfy the vacation requirements of Permit 781. Staff is recommending the Board of Harbor Commissioners (Board) approve Coastal Development Permit (CDP) No. 10-05, a Level I, non-appealable permit for the proposed project.*

**Recommendation:** Board resolve to (1) find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (2) authorize the Executive Director to approve the issuance of CDP No. 10-05; and (3) adopt Resolution No. \_\_\_\_\_.

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Real Estate

5. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED RIGHT OF ENTRY AGREEMENT FROM THE LOS ANGELES HARBOR DEPARTMENT TO THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

***SUMMARY: In the coming years, the State of California Department of Transportation (CalTrans) is planning to undertake the Schuyler Heim Bridge Replacement and the SR-47 Expressway Projects, designed to improve transportation corridors in the South Bay area, at a cost of approximately \$687,000,000. In order to qualify for federal funding for these important goods movement projects, CalTrans must demonstrate that it has the rights to the majority of real property necessary to complete the projects. The Schuyler Heim Bridge Replacement Project would require approximately 47,902 square feet of vacant Los Angeles Harbor Department (Harbor Department) property located on Terminal Island, east of Henry Ford Avenue, between Old Dock Street and New Dock Street.***

***A Right of Entry (ROE) Agreement between the Harbor Department and CalTrans is proposed to timely afford CalTrans with documentation to real property rights as required to secure federal funding. The proposed ROE provides CalTrans an irrevocable right to possession and use of approximately 47,902 square feet of Harbor Department property, and requires that CalTrans purchase the property at a price agreed upon by the parties, with interest, from August 2, 2010. In the event that a sale price is not agreed upon, CalTrans is required to initiate eminent domain proceedings. However, the Harbor Department has the right to cancel the ROE if CalTrans does not compensate the Harbor Department, or initiate eminent domain proceedings, within 365 days of ROE effective date.***

**Recommendation: Board resolve to (1) approve the proposed ROE Agreement with CalTrans for the irrevocable right to possession and use of 47,902 square feet of Harbor Department property located on Terminal Island, east of Henry Ford Avenue, between Old Dock Street and New Dock Street; (2) authorize the Executive Director to execute and the Board Secretary to attest to the proposed ROE Agreement; (3) direct the Executive Director, or designee, to negotiate a proposed sale price for the subject property with CalTrans; (4) direct the Executive Director to present for Board action, and subsequent City Council action, as appropriate, the proposed sale price and associated documents upon completion of the property appraisal and negotiation processes; and (5) adopt Resolution No. \_\_\_\_\_.**

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6. Re: ORDER NO. \_\_\_\_\_ - RESETTING COMPENSATION UNDER CONCESSION AGREEMENT NO. 791 WITH CALIFORNIA YACHT MARINA-CABRILLO, LLC

**SUMMARY:** *Concession Agreement No. 791 (CA 791) grants California Yacht Marina-Cabrillo, LLC (California Yacht) the use of the Los Angeles Harbor Department (Harbor Department) property located within Phase I of the West Channel Development Area in San Pedro, as depicted in Transmittal 1. CA 791 provides for the construction, operation, and maintenance of a facility for a recreational vessel marina, Cabrillo Community Building, and incidental purposes.*

*This proposed Order resetting compensation covers the five-year period of January 1, 2008 through December 31, 2012. The proposed Order establishes an updated methodology for calculating minimum annual rent, with actual compensation rates being recalculated annually based upon that methodology. The updated compensation calculation methodology is largely based upon appraisals performed in 2008 for Southern California regional waterfront operations (Marina Del Rey, Ventura Harbor, Channel Islands, Port of San Diego, and Mission Bay), and the results indicated that CA 791's current percentage rents are generally consistent with these areas, as well as similar neighboring marinas in this area of the Port of Los Angeles.*

**Recommendation:** Board resolve to (1) adopt the Order resetting compensation under CA 791 for the five-year period of January 1, 2008 through December 31, 2012; (2) authorize the Board Secretary to attest to the Order resetting compensation to be paid by California Yacht pursuant to Section 4(l) of CA 791; and (3) adopt Order No. \_\_\_\_\_.

7. Re: ORDER AND ORDINANCE NO. \_\_\_\_\_ - PROPOSED CONVEYANCE DEED AND 25<sup>TH</sup> & ALAMEDA TRANSFER AGREEMENT AMONG THE LOS ANGELES HARBOR DEPARTMENT, THE PORT OF LONG BEACH, AND THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY – LAHD NO. 70050

**SUMMARY:** *The Los Angeles Harbor Department (Harbor Department) and the Port of Long Beach (POLB, and collectively Ports), jointly, and the Alameda Corridor Transportation Authority (ACTA) purchased properties along certain railroad right-of-ways in Los Angeles County for purposes of constructing the Alameda Corridor. Upon completion of the Alameda Corridor, a property disposition group was established to review properties purchased and make recommendations accordingly. The*

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7. (Continued)

*ACTA property disposition group has identified two parcels jointly owned by the Ports (Ports' Parcels) and two parcels owned by ACTA (ACTA Parcels), all of which are adjacent to one another near the intersection of 25<sup>th</sup> Street and Alameda Street in the City of Vernon as surplus properties and available for potential sale.*

*The Ports and ACTA intend to coordinate the sale of their respective parcels in order to increase the sale price. Therefore, the proposed 25<sup>th</sup> & Alameda Transfer Agreement (Transmittal 1) among the Harbor Department, the POLB, and ACTA was developed to facilitate the coordinated sale of the Ports' and ACTA's Parcels, with allocation of property sale revenues based upon the percentage of the square footage owned by each party. The proposed Conveyance Deed (Transmittal 2) would transfer the Harbor Department's 50 percent interest in the Ports' Parcels to ACTA, as required by the 25<sup>th</sup> & Alameda Transfer Agreement, for the coordinated sale with the ACTA Parcels.*

**Recommendation:** Board resolve to (1) find and declare that parcels MCOG-697-3 and MCOG-697-East, located near the intersection of 25<sup>th</sup> Street and Alameda Street in the City of Vernon, jointly owned with the POLB, is no longer required for use by the Harbor Department, and authorize the sale of the real property; (2) approve the 25<sup>th</sup> & Alameda Transfer Agreement between the Harbor Department, POLB and ACTA for the transfer and sale of the Ports' Parcels in conjunction with sale of the ACTA Parcels; (3) approve the proposed Conveyance Deed for the Harbor Department's 50 percent interest in the Port's Parcels to ACTA; (4) direct the Board Secretary to transmit the Conveyance Deed, Order, and Ordinance to the City Council for its approval in accordance with the provisions of Section 385 of the City Charter and Division 7, Chapter 1, Article 4 of the Los Angeles Administrative Code; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Conveyance Deed and 25<sup>th</sup> & Alameda Transfer Agreement upon approval by City Council; and (6) adopt Order No. \_\_\_\_\_.

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Engineering

8. Re: RESOLUTION NO. \_\_\_\_\_ - PERSONAL SERVICE AGREEMENT FOR OPERATION AND MAINTENANCE OF THE WATERFRONT RED CAR LINE WITH THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND HERZOG TRANSIT SERVICES, INC.

***SUMMARY:*** *The subject Agreement with the City of Los Angeles Harbor Department (Harbor Department) and Herzog Transit Services, Inc., St. Joseph, MO (Consultant), will provide for the operation and maintenance of the Waterfront Red Car Line. This action will authorize a Personal Service Agreement (Transmittal No. 1) for a three-year term in the amount of \$3,782,128.*

***Recommendation:*** Board resolve to (1) find that in accordance with the City of Los Angeles (City) Charter Section 1022, work under the subject Agreement can be performed more feasibly by independent consultants rather than by City employees; (2) approve the subject three-year Agreement with Herzog Transit Services, Inc., in the amount of \$3,782,128; (3) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board; and (4) adopt Resolution No. \_\_\_\_\_.

REGULAR ITEMS (9 & 10)

Government Affairs

9. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION NATIONAL INFRASTRUCTURE INVESTMENTS PROGRAM FOR THE WEST BASIN RAILYARD PROJECT

***SUMMARY:*** *The Fiscal Year 2009-2010 budget for the United States Department of Transportation (USDOT) included \$600 million for a new National Infrastructure Investments (NII) Program. Referred to as "TIGER II," because of its similarity to the Transportation Investment Generating Economic Recovery (TIGER) I Program funded by the federal stimulus act in 2009, this discretionary grant program provides funds for investment in surface transportation infrastructure pursuant to specific, merit-based criteria. The City of Los Angeles Harbor Department (Harbor Department) has identified the West Basin Railyard Project as the strongest project to compete for TIGER II funding and is proposing to apply for a grant of up*

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9. (Continued)

*to \$30 million to address a portion of the current \$66.58 million shortfall in funding for the project that is currently estimated to cost approximately \$126 million.*

**Recommendation:** Board resolve to (1) authorize and direct the Executive Director to apply to the United States Department of Transportation for TIGER II funding from the National Infrastructure Investments Program for an amount up to \$30 million to fund a portion of the West Basin Railyard Project; (2) authorize and direct the Executive Director to negotiate and return to the Board for approval of any grant agreements (awards) with the United States Department of Transportation; and (3) adopt Resolution No. \_\_\_\_\_.

10. Re: RESOLUTION NO. \_\_\_\_\_ - SUPPLEMENTAL AGREEMENT WITH THE GEPHARDT GROUP FOR FEDERAL GOVERNMENT ADVOCACY SERVICES

***SUMMARY:*** *The City of Los Angeles Harbor Department (Harbor Department) executed Agreement No. E6505 with The Gephardt Group (TGG), Washington, DC, on May 27, 2009. In response to on-going, unmet federal legislative needs, TGG provided critical work subsequent to the contract expiration date of April 30, 2010, which is necessary to continue through August 2010. This action recommends (1) approval of a Supplemental Agreement with TGG that authorizes payment for TGG's services for May through September 2010, and (2) ratification of the prior request for TGG to continue work beyond the expiration of Agreement No. E6505. The Supplemental Agreement has a term of three months and compensation of \$75,000. Combined, Agreement No. E6505 and the proposed Supplemental Agreement has a total compensation amount not-to-exceed \$340,500 and a sixteen month term.*

**Recommendation:** Board resolve to (1) find that in accordance with the City Charter Section 1022, work under the subject Supplemental Agreement can be performed more feasibly by independent consultants rather than by City employees; (2) ratify staff's request for TGG to work beyond the expiration date and not-to-exceed compensation of Agreement No. E6505; (3) approve the Supplemental Agreement (Transmittal 1) with TGG for services from May through September 2010 with compensation of \$75,000; (4) authorize the Executive Director to execute, and the Board Secretary to attest to, the proposed Supplemental Agreement; and (5) adopt Resolution No. \_\_\_\_\_.

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**I. CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Subdivision (b) of Government Code Section 54956.9)**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 regarding subject matter of mediation with Gambol Industries, Inc.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Subdivision (b) of Government Code Section 54956.9)**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: two cases.

**3. CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION  
(Subdivision (c) of Government Code Section 54956.9)**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: one case.

**4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Subdivision (a) of Government Code Section 54956.9)**

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.