

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, MAY 7, 2009, AT 6:00 P.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 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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REVISED PAGE

**B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**C. REPORT OF THE EXECUTIVE DIRECTOR**

**D. REPORTS OF COMMISSIONERS**

**E. PRESENTATIONS**

Eastview Little League, Inc. Progress Update

**F. BOARD COMMITTEE REPORTS**

**SPECIAL PRESENTATION**

Presentation of Resolution to Board President S. David Freeman

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**G. SPECIAL ORDER OF THE DAY**

**Public Hearing No. 1**

**1a. TEFRA HEARING**

Notice of Public Hearing to receive comments pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, Board of Commissioners of the Harbor Department of the City of Los Angeles for the financing or refinancing of certain projects pursuant to a plan of financing with proceeds from the sale of tax-exempt obligations.

**Debt & Treasury**

**1b. Re: RESOLUTION NO. \_\_\_\_\_ AUTHORIZING THE LOS ANGELES BOARD OF HARBOR COMMISSIONERS TO CONDUCT A TEFRA HEARING AND TO ISSUE THE CITY OF LOS ANGELES HARBOR DEPARTMENT REVENUE BONDS AND REFUNDING REVENUE BONDS**

***SUMMARY: This Resolution will authorize the Los Angeles Board of Harbor Commissioners to conduct a required Tax Equity and Fiscal Responsibility Act ("TEFRA") hearing prior to the final approval and issuance of Bond transactions.***

***The Resolution also authorizes the Harbor Commissioners to: (1) issue Revenue Bonds, the proceeds from which will be used to finance the acquisition, construction and/or equipping of Port-related capital improvement projects ("CIP"), and (2) issue Refunding Revenue Bonds in order to refund all or a portion of the Harbor Department's 2005 Series C-1 Bonds, 2006 Series A Bonds, 2006 Series B Bonds and 2006 Series D Bonds, which will reduce debt service costs.***

**Recommendation: Board resolve that (1) a required Tax Equity and Fiscal Responsibility Act ("TEFRA") hearing be conducted prior to the final approval and issuance of the Bond transactions described below; (2) the issuance of the City of Los Angeles Harbor Department Revenue Bonds (the "Revenue Bonds"), in one or more series, through negotiated sale, in a combined principal amount that would be at the minimum \$200,000,000 but would not exceed \$300,000,000 and with a maximum term of 30 years be authorized;**

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**1b. (Continued)**

**(3) the issuance of the City of Los Angeles Harbor Department Refunding Revenue Bonds (the "Refunding Revenue Bonds"), in one or more series, through negotiated sale, in a combined principal amount not-to-exceed \$550,000,000 and with a maximum term of 28 years be authorized; (4) the open market purchase / formal tender of all or a portion of the Harbor Department's 2005 Series C-1 Bonds, 2006 Series A Bonds, 2006 Series B Bonds and 2006 Series D Bonds (the "Refunded Bonds") with the proceeds of the Refunding Revenue Bonds, be authorized subject to the parameters set forth in this Resolution; (5) a team of underwriting firms, as identified herein and in Resolution Nos. 08-6574 and 09-6686, be appointed for the negotiated sale of the Revenue Bonds and Refunding Revenue Bonds; and (6) the principal financing documents related to the Revenue Bonds and Refunding Revenue Bonds, which include the Indenture of Trust, Continuing Disclosure Certificate, Purchase Contract, Preliminary Official Statement including Appendix A, Invitation to Tender, and Dealer Management Agreement be approved; (7) actions taken by officers, employees, and agents of the Harbor Department prior to the date the Resolution becomes final, including but not limited to the publication of the Notice of Intention to Sell, and printing and distribution of the Preliminary Official Statement be ratified; (8) Resolution No. \_\_\_\_\_ be adopted; and (9) the Board Secretary, pursuant to Charter Section 609 and the Bond Procedural Ordinance (LAAC Sections 11.28.1 through 11.28.9) be directed to certify that the Board has adopted the Resolution and, on behalf of the Board, immediately transmit for further processing certified copies of the Resolution and copies of the Board item and all related documents to the Mayor, to the City Administrative Officer, and to the City Council.**

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**SPECIAL ORDER OF THE DAY**

**Public Hearing No. 2**

**Planning & Research**

**2. PUBLIC HEARING ON THE NOTICE OF COMPLETION OF A  
DRAFT AMENDMENT TO THE PORT OF LOS ANGELES PORT  
MASTER PLAN**

Public hearing to receive comments pursuant to the California Coastal Act of 1976, as amended, and the Port of Los Angeles certified Port Master Plan (PMP); and to give notice that Draft Port Master Plan Amendment No. 25 – China Shipping Container Terminal Land Use Designation and Landfill allows for the addition of general cargo as a permitted land use to 8 acres located at the northwest edge of the Southwest Slip fill, in Master Plan Area 3. The amendment would also allow a 1.2-acre fill behind the southern end of the proposed wharf extension at Berth 100. General cargo and “Other” would be the designated land uses on this fill. The anticipated general cargo use would be for the backland expansion of Berths 97-109, which is currently leased by China Shipping. Adding general cargo as a land use to the eight acre site and fill would allow container storage operations.

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**H. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (3- 19)**

**Environmental**

3. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 85

*SUMMARY: The Port Community Advisory Committee (PCAC) Recommendation No. 85 requests the Mayor appoint the Chair of the Air Quality Subcommittee as the PCAC Representative to the San Pedro Bay Clean Air Action Plan (CAAP) Stakeholder group. Staff recommends approval of PCAC Recommendation No. 85 and that this recommendation be forwarded to the Mayor's Office for consideration.*

**Recommendation:** Board resolve that (1) PCAC Recommendation No. 85 be considered and approved; (2) Resolution No. \_\_\_\_\_ confirming staff's findings and recommendations, as set forth in the following discussion be adopted; and (3) the staff be directed to forward Resolution No. \_\_\_\_\_ and PCAC Recommendation No. 85 to the Mayor's Office for consideration.

4. Re: RESOLUTION NO. \_\_\_\_\_ - PAYMENT TO THE CHINA SHIPPING MITIGATION FUND

*SUMMARY: The settlement agreement between the City of Los Angeles and the Natural Resources Defense Council established a throughput restriction at the China Shipping Terminal of 328,000 twenty-foot equivalent units (TEUs) per calendar year. If container throughput exceeds this capacity limit, an additional \$30 per TEU is payable to the China Shipping mitigation fund. Throughput at the China Shipping Terminal exceeded the capacity limit by 59,004 TEUs in calendar year 2008. Staff is recommending approval of a deposit to the mitigation fund of \$1,770,120 of which 60% (\$1,062,072) and 40% (\$708,048) would be placed into the Air Quality and Aesthetics Mitigation Accounts, respectively. This would be the last payment for excess throughput required under the settlement agreement.*

**Recommendation:** Board resolve that (1) the expenditure of \$1,770,120 from Account 59620 Litigation, Claims and Settlement Expense, Center 0900 Non-operating Income and Expense be approved; (2) the transfer of these funds from the Harbor Revenue Fund (Account 11010, Center 7000) to the China Shipping Mitigation

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4. (Continued)

Fund, with a distribution of \$1,062,072 to the Air Quality Mitigation Account (Account 11954, Center 7000) and \$708,048 to the Community Aesthetic Mitigation Account (Account 11957, Center 7000) be authorized; (3) Resolution No. \_\_\_\_\_ approving expenditures of \$1,770,120 from Account 59620 Litigation, Claims, & Settlement Expenses be adopted; and (4) the Board Secretary be directed to transmit the Resolution to the Mayor for approval pursuant to Section 343(b) of the City Charter.

5. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO THE  
PORT OF LOS ANGELES COMMUNITY ADVISORY  
COMMITTEE RECOMMENDATIONS NOS. 86, 88, 89 AND  
91

*SUMMARY: Port Community Advisory Committee (PCAC) Recommendation No. 86 requests the Board of Harbor Commissioners (Board) to authorize 90 days for comment from the day the San Pedro Waterfront Draft Environmental Impact Report/Environmental Impact Statement (EIS/EIR) is released for public review. After release of the document, the public review period was extended from 60- to 75-days in response to public requests. Since the public comment period has closed, staff recommends denial of this motion.*

*PCAC Recommendation No. 88 requests the Board direct staff to develop a new alternative containing a number of elements for incorporation into the San Pedro Waterfront EIR before its release for public review. Staff conducted extensive community outreach and considered elements recommended by the PCAC for inclusion in the Draft EIR. Staff recommends denial of this motion since the Draft EIR, which was released in September of 2008, did not include the specific alternative identified in the PCAC motion. However, Alternative 4 and other alternatives considered in the document did include elements identified in Recommendation No. 88 and staff will consider other elements in their response to comments in the Final EIR. The Board could direct staff to evaluate new or modified alternatives when the Final EIR is brought forward for certification.*

*PCAC Recommendation No. 89 requests that the San Pedro Waterfront Draft EIS/EIR investigate an alternative that berths a cruise ship along the Main Channel with a water cut to offset navigation problems. Since the Draft EIS/EIR includes a discussion of this alternative, staff recommends approval of this PCAC motion.*

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5. (Continued)

*The PCAC submitted Recommendation No. 91 requesting the City of Los Angeles Harbor Department (Harbor Department) designate 20 minutes during the Waterfront DEIR public hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and that the LA Working Group be allowed to present its plan to the public via the Harbor Department email list as well as have it posted prominently on the Port of Los Angeles (Port) website, with links from the Waterfront DEIR page. Staff recommends approval of this motion in part, since the Sustainable Waterfront Plan was presented during a public hearing and a link will be placed on the Port website to the presentation materials and plan. However, staff recommends against distributing the information via e-mail using the Harbor Department's email list.*

**Recommendation:** Resolve that (1) the Board consider and deny PCAC Recommendation No. 86, that the San Pedro Waterfront Draft EIS/EIR public review and comment period be extended to 90-days; (2) the Board consider and deny PCAC Recommendation No. 88 to include another alternative in the Draft EIR recognizing that elements identified in the motion were included in Alternative 4 and other alternatives. Direct staff to consider other PCAC elements in Recommendation No. 88 in the Final EIR; (3) the Board consider and approve PCAC Recommendation No. 89 since the Draft EIS/EIR for the San Pedro Waterfront includes consideration of another alternative that berths a cruise ship along the Main Channel with a water cut; (4) the Board consider and approve in part and deny in part PCAC Recommendation No. 91. Approve Recommendation No. 91 with regard to the presentation of the Sustainable Waterfront Plan by the LA Working Group during the public hearing for the San Pedro Waterfront Draft EIS/EIR and providing a link to the plan on the Port website. Deny Recommendation No. 91 with regard to distributing the plan via e-mail using the City of Los Angeles Harbor Department (Harbor Department) email list; and (5) Resolution No. \_\_\_\_\_ be adopted confirming staff's findings and recommendations, as set forth in the following discussion.

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6. Re: RESOLUTION NO. \_\_\_\_\_ - TECHNOLOGY ADVANCEMENT PROGRAM GRANT AGREEMENT FOR THE OCEANAIR ENVIRONMENTAL ECO-TUG DEMONSTRATION PROJECT; PARTICIPATION AGREEMENT WITH MILLENNIUM MARITIME, INC.; AND COST-SHARING AGREEMENT BETWEEN THE PORTS OF LOS ANGELES AND LONG BEACH

*SUMMARY: The Clean Air Action Plan Technology Advancement Program Advisory Committee has reviewed and recommended funding for the OceanAir Environmental Eco-Tug Demonstration Project (Project). The Project will demonstrate a Tier II retrofit of existing engines on a harbor tugboat, plus the added retrofit of a center engine equipped with a selective catalytic reduction (SCR) unit. It is anticipated that the retrofitted tugboat will result in significant reductions in air emissions, estimated at 14 tons per year of nitrogen oxides (NO<sub>x</sub>) and 1.73 tons per year of particulate matter (PM). The total recommended funding amount is \$700,000, which will be shared equally by the ports of Los Angeles and Long Beach. The total cost to the Port of Los Angeles will be \$350,000.*

Recommendation: Board resolve that (1) the Technology Advancement Program Grant Agreement for OceanAir Environmental Eco-Tug Demonstration Project in the total amount of \$700,000 be approved; (2) the Supplemental Cost Sharing Agreement between the ports of Los Angeles and Long Beach for the reimbursement of \$350,000 from the Port of Long Beach to the Port of Los Angeles as established by the Clean Air Action Plan Master Cost Sharing Agreement No. 2546 be approved; (3) the Participation Agreement with Millennium Maritime, Inc. for the purpose of providing a tugboat for the Project be approved; (4) the Executive Director be authorized to execute and the Board Secretary to attest to the Grant Agreement with OceanAir Environmental, LLC for a not-to-exceed amount of \$700,000; (5) the Executive Director be authorized to execute and the Board Secretary to attest to a Supplemental Cost Sharing Agreement between the ports of Los Angeles and Long Beach for the reimbursement of \$350,000 from the Port of Long Beach to the Port of Los Angeles as established by the Clean Air Action Plan Master Cost Sharing Agreement No. 2546; (6) the Executive Director be authorized to execute and the Board Secretary to attest to the Participation Agreement with Millennium Maritime, Inc.; and (7) Resolution No. \_\_\_\_\_ be adopted.

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7. Re: RESOLUTION NO. \_\_\_\_\_ - REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE CITY OF CARLSBAD FOR COMPLETION OF LONG TERM BIOLOGICAL MONITORING OF BATIQUITOS LAGOON

*SUMMARY: In 1996 the City of Los Angeles Harbor Department entered into an interagency reimbursement agreement with the City of Carlsbad to implement the required ten-year biological monitoring of Batiquitos Lagoon. The interagency agreement has expired prior to completion of the last monitoring report. Staff recommends entering into a new six-month agreement with the City of Carlsbad to complete the monitoring report and provide the last payment of \$330,000.*

Recommendation: Board resolve that (1) LAHD Agreement 1419-8 with the City of Carlsbad for a term of six months for a not-to-exceed amount of \$330,000 be approved; (2) the Executive Director be authorized and the Board Secretary to execute and attest to said agreement for and on behalf of the Board; and (3) Resolution No. \_\_\_\_\_ be adopted.

8. Re: RESOLUTION NO. \_\_\_\_\_ - GRANT APPLICATION FOR PRESERVATION AND CONSERVATION OF THE MATERIAL TEST LABORATORY PHOTOGRAPH AND NEGATIVE COLLECTION AND MOTION PICTURE FILM COLLECTION

*SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) possesses unique collections of photographs, negatives, and motion picture film documenting the development of the Port of Los Angeles (Port) and significant events in its history. Portions of the collections are damaged or degenerating. The proper conservation and preservation of Harbor Department collections is critical to stop further degradation of this resource and to maintain these archives for future generations. In this regard, the National Park Service (NPS), through the Save America's Treasures Grant Program, is soliciting grant proposals for conservation and preservation of nationally significant intellectual and cultural artifacts. Staff recommends submittal of the Save America's Treasures grant application requesting \$110,000 to complete a first phase of the preservation and conservation efforts on these collections and commit to matching funds if the Harbor Department's proposal is funded.*

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8. (Continued)

**Recommendation:** Board resolve that (1) the Executive Director be authorized and directed to apply for funding from the Save America's Treasures grant application from the National Park Service in the amount of \$110,000 towards the preservation and conservation of the Harbor Department photographic archives; (2) the Executive Director be authorized and directed to negotiate and return to the Board for approval of any grant agreements with the National Park Service and allocation of up to \$110,000 matching funds from the FY 2009/2010 budget; and (3) Resolution No. \_\_\_\_\_ be adopted.

**Marketing**

9. Re: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND PREMIER TRANSPORTATION AND WAREHOUSE, INC., FTZ 202 SITE 10C

***SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, executes General Purpose Operating Agreements (Operating Agreement) with FTZ operators to enable the Harbor Department to oversee their FTZ operations. The Harbor Department received a request from Premier Transportation and Warehouse, Inc. (Premier) to activate their site within FTZ 202 Site 10C, located at 22600 Bonita Street, in Carson, California. This site includes approximately 138,543 square feet in warehouse and office space on 319 acres. Premier will be operating their warehouse under FTZ operation rules and the FTZ Operating Agreement will provide a term of five years with three, five-year renewal options.***

**Recommendation:** Board resolve that (1) the subject FTZ Operating Agreement between the City of Los Angeles and Premier be approved; (2) the Board Secretary be authorized and directed to transmit the proposed FTZ Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) the Executive Director be authorized to execute and the Board Secretary to attest to the proposed FTZ Operating Agreement upon approval by City Council; and (4) Resolution No. \_\_\_\_\_ be adopted.

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Planning and Research

10. Re: RESOLUTION NO. \_\_\_\_\_ FOR THE APPROVAL OF CHANGES TO THE MEMBERSHIP OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE

*SUMMARY: As required by the Port of Los Angeles Community Advisory Committee (PCAC) By-laws, the Board of Harbor Commissioners (Board) is being asked to approve changes in the PCAC membership for the Wilmington-at-Large representative and for the Harbor Association of Industry and Commerce (HAIC).*

Recommendation: Board resolve that (1) Ken Melendez be approved as the Wilmington-at-Large voting member; (2) Donald Norton be approved as the HAIC voting member and Bill Walles as the alternate member; and (3) Resolution No. \_\_\_\_\_ be adopted.

11. Re: RESOLUTION NO. \_\_\_\_\_ FOR THE APPROVAL OF A PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND DEBBS, INC.

*SUMMARY: The Los Angeles Harbor Department (Harbor Department) recommends that the Board of Harbor Commissioners (Board) approve an agreement between the City of Los Angeles and DEBBS, INC.—Debra Babcock-Doherty, Principal—to provide professional support services to the Port of Los Angeles Community Advisory Committee (PCAC) and its subcommittees. DEBBS, INC.'s response to a Request for Proposals (RFP) issued February 27, 2009, was the most qualified in addition to being 45 percent lower in cost than the one other proposal received. In addition, DEBBS, INC. is a local, small, woman-owned business. The Agreement shall be for an initial term of one year with two one-year renewal options. The total compensation payable under this Agreement will not exceed \$85,000 per year for the duration of the Agreement.*

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Agreement can be performed more economically and feasibly by an independent consultant than by City employees; (2) the Agreement between the City of Los Angeles and DEBBS, INC. be approved; (3) the Executive Director be authorized to execute and the Board Secretary to attest to said Agreement, for and on behalf of the Board; and (4) Resolution No. \_\_\_\_\_ be adopted.

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Port Pilot

12. Re: THIRD TEMPORARY ORDER NO. \_\_\_\_\_ INCREASING AND AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION THREE, ITEM 370, CHARGES FOR VESSEL TRAFFIC SERVICE

*SUMMARY: The Vessel Traffic Service (VTS) is operated by the Marine Exchange of Los Angeles/Long Beach Harbors, Inc., and currently serves the Ports of Los Angeles and Long Beach. The VTS monitors vessel traffic within the Los Angeles and Long Beach harbors and approaches, and provides mariners with timely, relevant, and accurate information for the purpose of enhancing safe, environmentally sound, and efficient maritime transportation.*

*The Marine Exchange of Los Angeles/Long Beach Harbors, Inc. requested in November 2008 to increase VTS User Fees by approximately seven and one half percent, effective January 1, 2009. This proposed increase was necessary despite substantial cost cutting efforts by the Marine Exchange and amounts to \$26 for an average ship arrival. The fee increase offsets rising costs for computer support, maintenance, and insurance as well as a loss of revenue due to a nine percent decline in vessel arrivals for 2008. Vessel arrivals for the first quarter of CY 2009 have declined over seven and one-half percent.*

*A permanent Order amending and increasing Section Three, Item 370 Charges for Vessel Traffic Service, was approved by the Board of Harbor Commissioners on November 20, 2008. A third temporary Order is being proposed to allow additional time for the permanent Order to pass through the City Council approval process. 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 to amend the Port of Los Angeles Tariff No. 4, revising Section Three, Item 370, Parts A – C (1 - 6), which sets forth the rates and charges for the Vessel Traffic Service, effective January 1, 2009 be adopted; (2) the Board Secretary be authorized to certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not-to-exceed 90 days pursuant to Charter Section 653(b).

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Port Police

13. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONTRACT 39457 FOR THE PURCHASE AND INSTALLATION OF A SECURITY OFFICER RADIO DISPATCH SYSTEM

*SUMMARY: The proposed action recommends approval of a contract with Dailey Wells Communications, Inc. (Dailey Wells), San Antonio, Texas, for purchase and installation of field radio communication and dispatch system for Port Security Officers. This request is consistent with the ongoing radio system upgrades and frequency purchase initiated by this Board of Harbor Commissioners (Board) on March 22, 2007.*

*Currently, there are 44 security officers (versus 131 sworn police officers) responsible for safety and security at several Harbor Department facilities that are open to the public. Although their duties and responsibilities are not equivalent to sworn police officers, security officers do have a considerable amount of public contact. Many times they are required to have a dedicated and reliable field communication system to make inquiries, assist port customers, or summons Port Police. Port Security Officers have no dedicated and reliable field communications system. The absence of this capability impairs both Security Officer and public safety in the Port environs. The radio system will improve interoperability with the City's Emergency Operations Center and leverages the City's 800 Mhz trunked radio system (averting a costly purchase of dedicated radio frequencies). Once implemented, the system can be expanded to support other Port operations.*

*The City of Los Angeles, Department of General Services has an existing Contract No. 58785, with Dailey Wells to meet this purpose. In the Western United States, they are the sole distributor of M/A Com radio system parts and equipment used in conjunction with the City's 800 Mhz trunked radio system. Therefore, Port Police request to piggyback on this contract by awarding Contract No. 39457, Bid No. F-614, in the amount of \$231,991, including sales tax and training.*

*This project is reimbursable through Port-Wide Security Grant, Round 7 for Interoperable Radio Communications, and includes a 25 percent cost share amount totaling \$57,997. The Harbor Department will request reimbursement for the entire cost share amount when State of California, Proposition 1B monies is released. The grant*

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13. (Continued)

*funds available to support this contract are to be spent between FY 2008/2009 and FY 2009/2010. Operation and maintenance costs are included in our current Memorandum of Agreement with the City of Los Angeles, Information Technology Agency.*

**Recommendation:** Board resolve that (1) Contract No. 39457 from Bid No. F-614 for purchase and installation of an interoperable radio dispatch system be awarded to Dailey Wells for a total amount of \$231,991; (2) the Executive Director be authorized to execute and the Board Secretary to attest to the contract on behalf of the Board; and (3) Resolution No. \_\_\_\_\_ authorizing award of Contract 39457 be adopted.

14. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND TECH/KNOWLEDGE, INC., FOR PUBLIC SAFETY RADIO AND TECHNOLOGY CONSULTING SERVICES

***SUMMARY:*** *The proposed action recommends that the Board of Harbor Commissioners (Board) approve a one year contract with two, one year renewal options for an amount not-to-exceed \$300,000 per year with Tech/Knowledge, Inc., Pasadena, California, a local Small Business Enterprise (SBE). This contract was competitively selected and Tech/Knowledge will provide public safety radio and technology consultative services in the areas of public safety, homeland security, and information technology. These ongoing services include geographic information systems, radio infrastructure development, police dispatch and records, and port-wide security systems. Tech/Knowledge will provide expertise in communication systems to aid Port Police in its ability to achieve a fully integrated solution for voice, data and media communication, geographic information and incident information management. The consultant will also provide support in the development of communications and trunked radio technologies, including wireless communications, emerging radio standards and expertise in radio frequency regulations, infrastructure design, construction management, and radio application and interoperability. (The service is necessary to give Port Police expertise to install and upgrade public safety systems and technologies.)*

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14. (Continued)

*This is a budgeted expense and is reimbursable through Port-Wide Security Grant, Round 7, which includes a 25 percent cost share amount totaling \$75,000. The Harbor Department will request reimbursement for the entire cost share amount when State of California, Proposition 1B monies are released. The grant funds available to support this contract are to be spent between FY 2008/2009 and FY 2010/2011.*

**Recommendation:** Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject agreement is temporary in nature and can be performed more feasibly by an independent consultant rather than by city employees; (2) the proposed Agreement for a term of one year, with an option for two, one-year renewal option, for a total not-to-exceed amount of \$900,000, to Tech/ Knowledge, Inc. be approved; (3) the Executive Director be authorized to execute and the Board Secretary to attest to said Agreement, for and on behalf of the Board; and (4) Resolution No. \_\_\_\_\_ authorizing and approving the proposed Agreement with Tech/Knowledge, Inc. be adopted.

**Real Estate**

15. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 55

***SUMMARY:*** *This report is provided in response to the Port of Los Angeles Community Advisory Committee (PCAC) Recommendation No. 55.*

***PCAC Recommendation No. 55 recommends the removal or undergrounding of all utility lines adjacent to the surrounding communities along the periphery of the Port District. Staff recommends that the Board of Harbor Commissioners (Board) deny this recommendation. However, the undergrounding of utility lines is contemplated as a project component in several larger Los Angeles Harbor Department (Harbor Department) redevelopment projects that are planned for construction over the next ten years. As various Harbor Department construction projects arise, the Harbor Department will evaluate and consider the financial feasibility of undergrounding all utilities adjacent to the surrounding communities.***

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15. (Continued)

**Recommendation:** Board resolve that (1) PCAC Recommendation No. 55 be considered and denied and instead recommend evaluation and consideration of the overall undergrounding of utilities as individual project components of larger capital development projects as planned in the Capital Improvement Program; (2) staff's findings and recommendations as set forth in the following discussion section be confirmed; and (3) Resolution No. \_\_\_\_\_ be adopted.

16. Re: RESOLUTION NO. \_\_\_\_\_ - STAFF RESPONSE  
TO THE PORT OF LOS ANGELES COMMUNITY  
ADVISORY COMMITTEE RECOMMENDATION NO. 73

***SUMMARY:*** *This report is provided in response to the Port of Los Angeles Community Advisory Committee (PCAC) Recommendation No. 73.*

***PCAC Recommendation No. 73 recommends that the Los Angeles Harbor Department (Harbor Department) staff evaluate infrastructure improvements related to providing an internal access road connecting all 11 Wilmington marinas to the community and bypassing the Henry Ford rail junction; realigning and widening Anchorage Road; installing underground utilities on Anchorage Road; making three to four acres of the Harbor Department's 31-acre soil storage site available for boat maintenance and dry boat storage; installing sidewalks on primary marina access roads; installing bike paths, signage and landscaping; installing natural gas lines and telecommunications cable to all marinas; providing sewer disposal access for portable pump-out systems; and providing a central disposal/collection site for used oils, solvents, contaminated bilge water, and batteries. Staff concurs with approval of PCAC Recommendation No. 73 for evaluation of the proposed infrastructure improvements listed above.***

**Recommendation:** Board resolve that (1) PCAC Recommendation No. 73 be considered and approved; (2) staff's findings and recommendations be confirmed as set forth in the following Board report discussion; and (3) Resolution No. \_\_\_\_\_ be adopted.

17. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED REVOCABLE  
PERMITS AND SPACE ASSIGNMENT CONSOLIDATION  
- TRAPAC, INC., YANG MING MARINE TRANSPORT  
CORPORATION, AND EAGLE MARINE SERVICES, LTD.

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17. (Continued)

*SUMMARY: In December of 2008, the Los Angeles Harbor Department (Harbor Department) reached out to all container terminal tenants to address concerns raised by a number of tenants related to the ongoing economic downturn and its impact on their operations at the Port of Los Angeles (Port). In order to address this issue, the Harbor Department together with TraPac, Inc. (TraPac), Yang Ming Marine Transport Corporation (Yang Ming), and Eagle Marine Services, Ltd. (Eagle Marine) developed a temporary proposal that will offer these tenants immediate temporary financial relief.*

*These tenants have been granted additional land to support their operations under various Space Assignment Agreements. It is proposed that the Harbor Department temporarily provide a reduced rental rate for up to six acres of land presently under Space Assignment Agreements per tenant for a period not to exceed 12 months by replacing these Space Assignment Agreements, or a portion thereof, with temporary Revocable Permits (RPs). Space assignment rental rates are governed by Tariff No. 4; therefore, in order to provide a reduced rental rate for this land, RPs must be issued in place of the current Space Assignment Agreements.*

**Recommendation:** Board resolve that (1) the proposed RPs for Space Assignment Agreement consolidation with TraPac, Yang Ming, and Eagle Marine be approved for a period not to exceed 12 months; (2) the Executive Director be authorized to execute and the Board Secretary to attest to the RPs; and (3) Resolution No. \_\_\_\_\_ be adopted.

18. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED ACQUISITION  
OF PRIVATELY-OWNED PROPERTY LOCATED AT 236  
NORTH AVALON BOULEVARD IN WILMINGTON

*SUMMARY: A property located at 236 North Avalon Boulevard was recently offered for sale to the Los Angeles Harbor Department (Harbor Department). The property is located between Harry Bridges Boulevard and "C" Street in Wilmington, as depicted on Exhibit A. It is proposed that the Harbor Department acquire this property in order to consolidate adjacent Harbor Department property holdings. This will require expansion of the Wilmington Acquisition Program (WAP), which was reactivated by the Board of Harbor Commissioners (Board) in 2007.*

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18. (Continued)

*On October 6, 1982, the Board approved a voluntary acquisition program to acquire approximately 215 acres of primarily commercial and industrial property located in two areas of Wilmington (Area 1, on either side of "B" Street up to "C" Street, from the Harbor Freeway on the west, to Broad Avenue on the east; Area 2, between Anaheim and Grant Streets, from Alameda Street on the west, to the Terminal Island Freeway on the east). This program was subsequently deactivated on April 5, 1994.*

*On August 16, 2007, the Board reactivated the WAP for a portion of Area 2 in East Wilmington, bounded by Alameda Street on the west, to the Dominguez Channel on the east. It is proposed to expand the program to include Area 1 and acquire this property to consolidate current Harbor Department property holdings adjacent to this property.*

**Recommendation:** Board resolve that (1) the reactivated WAP to include Area 1, for acquisition of privately-owned properties located on either side of "B" Street, from the Harbor Freeway on the west, to Broad Avenue on the east, and those properties below "B" Street be expanded; (2) the Executive Director be authorized to execute the Agreement and Joint Escrow Instructions for the Acquisition of the Real Property and all other documents necessary to complete the transaction between Tri Van Nguyen and Think T. Nguyen Family Trust (Nguyen) as the Seller and the Harbor Department as the Buyer; (3) the expenditure of \$377,320 for acquisition of said property that includes escrow fees and mitigation costs be authorized; and (4) Resolution No. \_\_\_\_\_ be adopted.

**Risk Management**

19. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONTRACT  
CONSULTANT: WILLIS INSURANCE SERVICES OF CA,  
INC. INSURANCE BROKERAGE SERVICES  
CONSULTANT

**SUMMARY:** *This Agreement provides for a licensed professional insurance broker to serve as the City of Los Angeles Harbor Department's (Harbor Department) Broker of Record and provide insurance brokerage services. Willis Insurance Services of California, Inc. (Willis), located in Long Beach, California, is the*

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19. (Continued)

*recommended firm to provide the required services. The Agreement is for a three-year period at a not-to-exceed amount of \$13,410,000 that covers up to \$310,000 in broker fees and no more than \$13,100,000 of insurance premiums.*

**Recommendation:** Resolve that (1) the Board find that in accordance with City of Los Angeles Charter Section 1022, work under the subject Agreement can be performed more feasibly by an independent contractor than by City employees; (2) the payment of up to \$310,000 to Willis covering \$270,000 for broker fees (flat fee of \$90,000 each year) and up to \$40,000 for other additional insurance services be approved; (3) the payment of insurance premiums up to \$13,100,000 during the term of this Agreement be approved; (4) Resolution No. \_\_\_\_\_ approving a three-year Agreement with Willis, located in Long Beach, California be adopted; and (5) the Executive Director be authorized to execute and the Board Secretary to attest to this Agreement for and on behalf of the Board.

**Regular Items (20-23)**

**Debt and Treasury**

20. Re: RESOLUTION NO. \_\_\_\_\_ TO ACCEPT A TERM SHEET THAT COULD LEAD TO THE ESTABLISHMENT OF A REVOLVING CREDIT FACILITY FROM UNION BANK OF CALIFORNIA IN AN AMOUNT NOT TO EXCEED \$60 MILLION FOR A PERIOD OF TWO YEARS

***SUMMARY:*** *As an additional financing option and supplement to any new money bond issues and a contemplated Commercial Paper Program, the Harbor Department (Department) has solicited and received an offer from Union Bank of California (Union Bank) for a revolving credit facility in an amount not to exceed \$60 million for a period of two years. The Department plans to use the facility to support the short-term financing needs of the Department, as this committed line is available for general corporate purposes. At a reasonable cost, the facility allows another option for the Department's borrowing needs.*

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20. (Continued)

**Recommendation:** Board resolve that (1) the terms and conditions of Union Bank of California's Revolving Line of Credit, as outlined in Transmittal 1 be approved, and the Executive Director or her designate be provided the authority to negotiate the final terms, subject to final approval by the Harbor Commission and the City Council; and (2) Resolution No. \_\_\_\_\_ be adopted.

**Engineering**

21. Re: RESOLUTION NO. \_\_\_\_\_ SECOND AMENDMENT –  
PERSONAL SERVICES AGREEMENT NO. 2306  
BETWEEN THE CITY OF LOS ANGELES AND URS  
CORPORATION FOR TRANSPORTATION  
INFRASTRUCTURE DESIGN SERVICES

*SUMMARY: On December 2, 2003, the Board of Harbor Commissioners (Board) approved Agreement No. 2306 between the City of Los Angeles and URS Corporation (URS) for the design of the South Wilmington Grade Separation project. Furthermore, on December 7, 2006, the Board approved the First Amendment to Agreement No. 2306 between the City of Los Angeles and URS Corporation extending the contract by 36 months for total contract duration of six years. A second amendment to this Agreement is necessary to allow for the continuation of engineering services for the preparation of plans, specifications, and estimates (PS&E), and construction support services for the South Wilmington Grade Separation.*

*The recommended action will authorize and extend the contract duration by 48 months for a total term of ten years and add \$2,343,349 in funds to the contract for a total contract amount of \$5,513,349. The 48 month contract extension and additional \$2,343,349 in funds is necessary to ensure that PS&E is completed prior to State and Local grants lapsing on June 30, 2011. The grade separation is a critical element of the Wilmington Waterfront, TraPac Expansion and I-110 Connectors Improvement projects.*

**Recommendation:** Resolve that (1) the Board find that in accordance with the City Charter Section 1022, the work covered under this Amendment can be performed more economically or feasibly by URS Corporation (current project consultant) rather than by City employees; (2) the Board find that in accordance with Los Angeles

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21. (Continued)

Administrative Code Section 10.15 (a)(10), competitive bidding for the work under this Amendment would be impractical, impossible, or would work an incongruity, be unavailing or not produce an advantage; (3) the Second Amendment to Agreement No. 2306 with URS Corporation, extending the Agreement duration by 48 months for a total term of ten years be approved; (4) the Second Amendment to Agreement No. 2306 providing additional compensation in the not-to-exceed amount of \$2,343,349 be approved; (5) the Executive Director be authorized to execute and the Board Secretary to attest to said Amendment for and on behalf of the Board; (6) the Board Secretary be authorized and directed to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (7) Resolution No. \_\_\_\_\_ be adopted.

Environmental

22. Re: RESOLUTION NO. \_\_\_\_\_ - TECHNOLOGY  
ADVANCEMENT PROGRAM GRANT AGREEMENT FOR  
THE BALQON LITHIUM-ION BATTERY DEMONSTRATION  
PROJECT

*SUMMARY: The Clean Air Action Plan Technology Advancement Program Advisory Committee has reviewed and recommended funding for the Balqon Lithium-Ion Battery Demonstration Project (Project). Zero-emission electric trucks, compared to diesel, would completely eliminate localized emissions and would result in a substantial net reduction of greenhouse gas emissions. Electric trucks would also reduce noise pollution at the terminals and around the ports. The Project proposes to demonstrate and evaluate a lithium-ion battery on one electric yard tractor and on one electric drayage vehicle to enhance the performance and range of the existing test vehicles. The use of lithium-ion batteries is expected to increase range of the vehicles to up to 100 miles, a 2-3 times improvement over the range currently provided by lead acid batteries. This will provide these trucks the range necessary to make them more effective in yard and short haul drayage operations. Once tested and verified for effectiveness, the Lithium-ion batteries will be required in all electric yard and drayage trucks that are funded by the City of Los Angeles Harbor Department (Harbor Department) as part of the soon to be adopted Alternative*

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22. (Continued)

*Fuel and Electric Truck Incentive Program that is being developed as part of the Clean Truck Program. The recommended funding amount of the Project is \$400,000 to be used for the battery purchase and in-use testing.*

**Recommendation:** Board resolve that (1) the Technology Advancement Program Grant Agreement be approved substantially as to form for the Balqon Lithium-Ion Battery Demonstration Project between the City of Los Angeles Harbor Department and Balqon Corporation for a not-to-exceed amount of \$400,000; (2) the Executive Director authorized to execute and the Board Secretary to attest to the Grant Agreement with Balqon Corporation for a not-to-exceed amount of \$400,000; and (3) Resolution No. \_\_\_\_\_ be adopted.

**Clean Truck Program**

23. Re: RESOLUTION NO. \_\_\_\_\_ - CLEAN AIR ACTION PLAN 2009 ALTERNATIVE FUEL AND ELECTRIC TRUCK INCENTIVE PROGRAM

***SUMMARY:*** *The proposed action recommends that the Board of Harbor Commissioners (Board) approve additions to the 2007 Compliant Truck Incentive Program approved on August 21, 2008. These changes are being requested in order to accelerate the rate that U.S. Environmental Protection Agency (USEPA) 2007 compliant alternative fuel i.e., LNG/CNG drayage vehicles and electric, i.e. lithium battery powered, yard and drayage trucks are being brought into the port cargo and drayage industry. The additions are recommended as means to further accelerate the emission reductions identified in the Clean Truck Program (CTP), and to encourage USEPA 2007 compliant or better alternative fuel and electric trucks to enter the port cargo and drayage market as part of a 1,000 truck alternative fuel and electric vehicle goal (900 LNG/CNG and 100 Lithium battery powered electric) established by the Board. A previously adopted amendment to Port of Los Angeles (Port) Tariff No. 4, Section 20 authorized the use of Clean Truck Fees for these new funding program options.*

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23. (Continued)

**Recommendation:** Board resolve that (1) the establishment of two new incentives, (a) Incentive for Commitment of Privately funded USEPA 2007 Compliant Alternative Fuel Trucks; and (b) Incentive for Commitment of Privately Funded USEPA 2007 Compliant or better Lithium Battery Powered Electric Yard and Drayage Trucks, be approved; (2) the expenditure of up to \$44,225,000 in the FY2009/2010 to meet program objectives be authorized; (3) the Executive Director be authorized to design and administer an incentive program, along with the necessary contract documents incorporating the requirements in this Board Report; and (4) Resolution No. \_\_\_\_\_ be adopted

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: **Federal Maritime Commission v. City of Los Angeles, et al.**, Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: **Federal Maritime Commission v. City of Los Angeles, et al.**, United States District Court Case No. 1:08-CV-01895-RJL, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
4. 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.

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**CLOSED SESSION (Continued)**

5. Discussion of pending litigation entitled: City of Riverside v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS119161, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
  
6. Discussion with legal counsel concerning significant exposure to litigation [two (2) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.