

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, APRIL 19, 2007, AT 8:30 A.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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2
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B. COMMENTS FROM THE PUBLIC

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. BOARD COMMITTEE REPORTS

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-8)

Real Estate

1. Re: PROPOSED FIRST AMENDMENT TO EXECUTIVE DIRECTOR AGREEMENT NO. E-6310 WITH GAMBOL INDUSTRIES, INC. (GAMBOL) FOR MARINE CARETAKER/PROPERTY MANAGEMENT SERVICES AT THE FORMER SOUTHWEST MARINE (SWM) FACILITY

SUMMARY: SWM's Permit No. 594 was terminated on October 31, 2004, and the property was turned over to the Port of Los Angeles (Port) pending the completion of the EIR for the demolition of structures. In accordance with the Mayor's initiative to encourage and support the entertainment industry, the Port allowed SWM to be available for the purpose of filming until such time as the demolition, restoration, and remediation activities commence. Gambol, through a Request for Proposal process, was granted Executive Director Agreement No. E-6310, a one-year agreement, to provide marine caretaker and property management services at the site.

This proposed action requests Board approval for the extension of the agreement, which expires on April 17, 2007, on a month-to-month basis, and for an amendment changing the termination provision such that 60 days' written notice is required, and addressing charges for vessels that have been granted berthing assignments at the facility. This requires Board approval, as it exceeds the Executive Director's contracting authority of one year in length.

As this is an agreement, and not a lease of Port property, this is not an opportunity to implement measures referenced in the Clean Air Action Plan.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
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1. (Continued)

Recommendation: Adoption of Order approving the First Amendment to Executive Director Agreement No. E-6310, effective April 18, 2007. The First Amendment provides for an extension of term, on a month-to-month basis, changes the termination provision for a 60-day written notification requirement, and adds the provision that Gambol may not charge fees to vessels that have been granted berthing assignments at the Southwest Marine facility.

2. Re: PROPOSED ORDER SETTING COMPENSATION UNDER PERMIT NO. 560 WITH VOPAK TERMINAL LOS ANGELES INC.

SUMMARY: Under the terms of Permit No. 560, Vopak Terminal Los Angeles Inc. (Vopak) is granted the authority to use various surface and subsurface parcels, as depicted on the attached maps, at or in close proximity to their marine terminal located at Berths 187-191 in Wilmington and their inland tank farm also located in Wilmington for the operation of a liquid and dry bulk terminal, including bulk cement, and storage facilities. Permit No. 560, originally, had a 20-year term effective July 1, 1985. However, pursuant to the Third Amendment to Permit No. 560, commencing on August 30, 1993, the term of Permit No. 560 was extended for an additional thirty (30) years. It is necessary to set the compensation for the third five-year period commencing August 30, 2003 at \$522,263 per quarter.

This action only allows for the resetting of compensation, as provided in the permit, and is not an opportunity to implement measures referenced in the Clean Air Action Plan.

Recommendation: Adoption of Order setting compensation under Permit No. 560 with Vopak at \$522,263 per quarter for the third five-year period commencing August 30, 2003 and ending August 29, 2008, which represents a quarterly increase in rent of \$83,611 over Vopak's current compensation of \$438,652 per quarter.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
BANNINGS LANDING COMMUNITY CENTER
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3. Re: PROPOSED REVOCABLE PERMIT NO. 07-02 WITH FAST LANE TRANSPORTATION, INC. TO SUCCEED NONEXCLUSIVE BERTH ASSIGNMENT AGREEMENT NOS. 05-30, 06-31 AND 07-04

SUMMARY: It is proposed that Revocable Permit 07-02 be issued to Fast Lane Transportation, Inc., to succeed Nonexclusive Berth Assignment Agreement No. 05-30, for Parcel 4, No. 06-31 for Parcel 5, and No. 07-04, for Parcel 6 as depicted on the attached map. This Revocable Permit will allow Fast Lane Transportation, Inc. the continued use of the three (3) parcels of approximately 69,138 square feet of uncovered and unpaved Harbor Department land in Far East Wilmington, for the storage of containers and container chassis and purposes incidental thereto.

This short-term (90-day revocable) permit does not provide an opportunity to implement Clean Air Action Plan measures.

Recommendation: Board resolve that the Executive Director be authorized to execute Revocable Permit 07-02 with Fast Lane Transportation, Inc. based on the terms and conditions as set forth in the Board report.

Commission Office

4. Re: RESOLUTION AUTHORIZING COMMISSIONER JOSEPH RADISICH S. DAVID FREEMAN TO TRAVEL TO MEXICO, MAY 3, 2007 THROUGH MAY 5, 2007 FOR A TRADE MISSION

Recommendation: Adoption of the subject resolution.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
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Planning and Research

5. Re: SECOND AMENDMENT TO AGREEMENT NO. 2391 BETWEEN THE CITY OF LOS ANGELES AND DEBRA BABCOCK-DOHERTY D.B.A. DEBBS, INC.

SUMMARY: The proposed second amendment of the existing agreement with Ms. Babcock-Doherty, d.b.a. DEBBS, Inc., to provide full-time professional support services to the Port Community Advisory Committee will extend the agreement one year to May 11, 2008 and increase the contract amount by \$80,000.

Recommendation: Board resolve that (1) the Second Amendment to Agreement No. 2391 to extend the term one year to May 11, 2008 and increase the contract amount by \$80,000 be approved; and (2) the Executive Director and Board Secretary be authorized to execute and attest to the Second Amendment for and on behalf of the Board.

Environmental

6. Re: STAFF RESPONSE TO PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 70 – GREENHOUSE GASES

SUMMARY: The Port Community Advisory Committee (PCAC) submitted Recommendation No. 70 to the Board of Harbor Commissioners requesting that the Port of Los Angeles include an evaluation of greenhouse gases in Environmental Impact Reports (EIR). Staff recommends approval of PCAC Recommendation No. 70 and will include a greenhouse gas evaluation in each EIR being prepared by the Port. The methodology for greenhouse gases evaluation will be coordinated with the California Air Resources Board and the South Coast Air Quality Management District.

Recommendation: Board resolve that (1) PCAC Recommendation No. 70 be considered and approved; (2) the reasons, findings, and staff recommendations set forth in the following Board report discussion be adopted; and (3) staff be directed to include a requirement for greenhouse gas evaluation in its EIR Guidelines.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
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100 E. WATER STREET
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7. Re: PROPOSED AGREEMENT BETWEEN KEANE
BIOLOGICAL CONSULTING AND THE CITY OF LOS
ANGELES FOR MONITORING SERVICES OF THE
CALIFORNIA LEAST TERN NESTING SITE

SUMMARY: The endangered California least tern (bird species) shares a home with the Port of Los Angeles' largest container terminal on Pier 400. The Port maintains, monitors and protects 15 acres on Pier 400 for the nesting of these indigenous birds. This Agreement with Keane Biological Consulting provides the Port of Los Angeles with the continuation of mandated monitoring services of the California least tern nesting site on Pier 400. This action will authorize a three-year contract term for an amount not-to-exceed \$300,000.

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 feasibly by independent consultants rather than by City employees; (2) the Agreement with Keane Biological Consulting, a qualified Small Woman-Owned Business Enterprise, for a term of three years for a not-to-exceed amount of \$300,000 be approved; and (3) the Executive Director and the Board Secretary be authorized to execute and attest to said Agreement for and on behalf of the Board.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, APRIL 19, 2007, AT 8:30 A.M.
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8. Re: ESCROW AGREEMENT BETWEEN THE CITIES OF LOS ANGELES AND LONG BEACH, PACIFIC HARBOR LINES AND UNION BANK OF CALIFORNIA, FOR THE ENVIRONMENTAL UPGRADE OF PACIFIC HARBOR LINES' LOCOMOTIVES

SUMMARY: Staff recommends approving the existing Escrow Agreement between the City of Los Angeles, the City of Long Beach, Pacific Harbor Lines (PHL), and Union Bank of California for a term of three (3) years for the upgrade of PHL's fleet of locomotives to the Environmental Protection Agency's (EPA) Tier 2 emission standards.

Recommendation: Adoption of the Resolution authorizing the Executive Director to approve the escrow agreement between the City of Los Angeles, City of Long Beach, Pacific Harbor Lines, and Union Bank of California for a term of up to three (3) years.