

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, AUGUST 2, 2007, 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 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
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B. COMMENTS FROM THE PUBLIC

C. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. PRESENTATIONS

1. **USC Ultra Fine Particle Concentration Network
Dr. Katharine Moore
University of Southern California
Department of Civil and Environmental Engineering**

F. BOARD COMMITTEE REPORTS

G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Minutes of the regular meetings of the Los Angeles Board of Harbor Commissioners of April 5, 2007, June 7, 2007 and Special Meeting of May 17, 2007 for approval.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
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SAN PEDRO, CA 90731

H. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3)

Deputy Executive Director of Operations

1. 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 amends the temporary order that created 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 Amendments were developed as a result of review by and discussion with the United States Coast Guard in June of 2007. As a result of this discussion we agreed to make changes to the definition of "Recreational Vessel" in Item 100 and to add additional language for CNA-4. We have incorporated these changes into the Tariff Items approved by the Board of Harbor Commissioners on May 17, 2007.

The temporary order will be in effect for 90 days. The permanent order approved by the Board of Harbor Commissioners on May 17, 2007 was removed from CAO review in July 2007. A new permanent order with the changes suggested by the USCG is being processed concurrently for approval by the City Council.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
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1. (Continued)

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; (2) the Board Secretary be authorized to execute the temporary Board Order and transmit it to the Chief Wharfinger for implementation; and (3) upon effective date of this temporary order prior temporary action will expire.

AGENDA OF THE REGULAR MEETING OF THE
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THURSDAY, AUGUST 2, 2007, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
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SAN PEDRO, CA 90731

2. 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 amends the proposed permanent order that 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 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 Amendments were created as a result of review by and discussion with the United States Coast Guard in June 2007. The suggested changes have been incorporated into the definitions and new Tariff Item 1608.

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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Engineering

3. Re: PERSONAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES AND TRC SOLUTIONS, INCORPORATED, AND TECH/KNOWLEDGE, INCORPORATED FOR SECURITY CONSULTING ON-CALL SERVICES

SUMMARY: Staff recommends approval of the subject agreements with TRC Solutions, Inc. a Delaware Corporation, authorized and licensed to do business in California with local project office located at 21 Technology Drive, Suite 200, Irvine, CA 92618, and Tech/Knowledge Inc., a California Corporation located at 200 E. Del Mar Blvd., Suite 300, Pasadena, CA 91105; to provide on-call, as-needed Security Consulting support services for an amount not to exceed \$500,000 (for each agreement) and a three year term.

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreements is temporary in nature and can be performed more feasibly by an independent contractor rather than by City employees; (2) the subject agreements with TRC Solutions, Incorporated, and Tech/Knowledge Incorporated be approved for a total amount not-to-exceed \$1,000,000 (not-to-exceed amount of \$500,000 for each agreement); and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreements for and on behalf of the Board.

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Regular Items (4-5)

City Attorney

4. Re: FIRST AMENDMENT TO AGREEMENT NO. 2519 BETWEEN THE CITY OF LOS ANGELES, THE CITY OF LONG BEACH AND KAYE SCHOLER LLP FOR LEGAL SERVICES

Recommendation: Board resolve that (1) the City Attorney's Office be authorized to execute the First Amendment to Agreement No. 2519, with Kaye Scholer, LLP, increasing the compensation to be paid to the law firm by \$2,185,000 (from \$500,000 to \$2,685,000); (2) the attached Resolution, increasing the compensation as stated above be adopted; and (3) the transfer of a total amount of \$2,185,000 from the Unappropriated Balance to Division No. 120, Account No. 54410, Program No. 000, with \$2,000,000 in FY 07/08 and \$185,000 in future year commitments be authorized for services rendered in connection with the City's Agreement No. 2519.

5. Re: FIRST AMENDMENT TO AGREEMENT NO. 2520 BETWEEN THE CITY OF LOS ANGELES, THE CITY OF LONG BEACH AND SPILLANE SHAEFFER ARONOFF BANDLOW, LLP (FORMERLY KNOWN AS FOX SPILLANE SHAEFFER, LLP) FOR LEGAL SERVICES

Recommendation: Board resolve that (1) the City Attorney's Office be authorized to execute the First Amendment to Agreement No. 2520 changing the name of the law firm retained as outside counsel from Fox Spillane Shaeffer, LLP to Spillane Shaeffer Aronoff Bandlow, LLP; and (2) the attached Resolution changing the law firm name as stated above be adopted.

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I. CLOSED SESSION

1. Discussion of pending litigation entitled: Westcon Microtunneling, Inc. v. City of Los Angeles, United States District Court Case No. CV-05-7305, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

2. Discussion of pending litigation entitled: South Central Farmers Feeding Families, et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC311110, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

3. Instructions to negotiators relating to lease negotiations with the City of Long Beach Harbor Department concerning the Amended and Restated Permit for Pier 400 Slope Easement, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for the City of Long Beach has not been determined. The negotiator for the Port of Los Angeles will be Michael Galvin.

4. Discussion with legal counsel concerning significant exposure to litigation (one case) pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code and retention of outside counsel.

5. Discussion of whether to initiate litigation, pursuant to subdivision (c) of Section 54956.9 of the California Government Code [two (2) potential cases].