

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, SEPTEMBER 17, 2009 AT 8:30 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 EAST WATER STREET
WILMINGTON, CA 90744**

**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 (<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. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. PRESENTATION

Safety and Security Briefing

Inner Harbor Cruise Terminal Improvements

G. REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 6)

Real Estate

1. Re: ORDER NO. _____ AND ORDINANCE – PROPOSED EASEMENT DEED FROM THE LOS ANGELES HARBOR DEPARTMENT AND THE PORT OF LONG BEACH TO THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY – LAHD NO. 70053

SUMMARY: The proposed Easement Deed from the Los Angeles Harbor Department (Harbor Department) and the Port of Long Beach (POLB) to the Alameda Corridor Transportation Authority (ACTA) is for the transfer of certain jointly-owned railroad property interests connected to the construction of the Alameda Corridor. The proposed transfer, consisting of granting easement interests, combines three parcels in this conveyance, which expedites the process by making one transfer of multiple parcels to ACTA through an Easement Deed. These parcels are located near the intersection of Alameda Street and Pacific Coast Highway (PCH) in the City of Los Angeles. After the proposed Easement Deed is approved, ACTA will then convey the easements to the California Department of Transportation (Caltrans).

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1. (Continued)

Recommendation: Board resolve to (1) Approve the Easement Deed from the Harbor Department and POLB to ACTA; (2) Direct the Board Secretary to transmit the Easement Deed, Order and Ordinance to the City Council for its approval pursuant to Section 385 of the City Charter; (3) Authorize the Executive Director to execute and the Board Secretary to attest to the Easement Deed upon approval by City Council; and (4) Adopt Order No. _____.

Planning & Research

2. Re: RESOLUTION NO. _____ FOR THE ADOPTION OF THE COASTAL COMMISSION'S CERTIFICATION OF PORT OF LOS ANGELES MASTER PLAN AMENDMENT NO. 25 – CHINA SHIPPING CONTAINER TERMINAL LAND USE DESIGNATION AND LANDFILL

SUMMARY: *On September 9, 2009, the California Coastal Commission (Coastal Commission) certified, as submitted, the Port of Los Angeles Master Plan Amendment No. 25 (Amendment No. 25), which contains elements of the China Shipping Container Terminal Project (China Shipping Project). Two additional actions are necessary in order to finalize the certification process: (1) The Board of Harbor Commissioners (Board) must adopt the Coastal Commission's certification, and (2) the Coastal Commission accepts the Board's action as being consistent with its certification. It is recommended that the Board resolve to adopt the Coastal Commission's certification and authorize staff to inform the Coastal Commission of the Board's action.*

Recommendation: Board resolve to (1) Adopt the Coastal Commission's certification of Amendment No. 25; (2) Authorize Los Angeles Harbor Department (Harbor Department) staff to inform the Coastal Commission of the Board's action; and (3) Adopt Resolution No. _____.

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Marketing

3. Re: SECOND TEMPORARY ORDER NO. _____ -
AMENDING ITEMS 520 AND 550-033 OF THE PORT OF LOS
ANGELES TARIFF NO. 4, SECTION FIVE "TRANSFERRED
MERCHANDISE - WHARFAGE"

SUMMARY: At the June 18, 2009 Los Angeles Board of Harbor Commissioners (Board) meeting, the Board approved a Temporary and a Permanent Order amending Port of Los Angeles, Tariff No. 4, Section Five "Transferred Merchandise – Wharfage" Items 520 and 550-033 (Tariff No. 4) exempting the assessment of wharfage on transferred merchandise commencing July 1, 2009, and ending on June 30, 2010. Transferred merchandise is merchandise discharged off a vessel at one port and transported by rail from another port. Several terminal operators may handle transferred merchandise for carriers operating their vessels in an alliance with other carriers (alliance members) who dray merchandise from other ports to rail out of Port of Los Angeles' (Port) on-dock rail facilities. This action was requested by some carriers whose vessels call at facilities in San Pedro Bay as a way to maximize rail car utilization for intermodal trains departing the Port. This amendment to Tariff No. 4 provides no economic benefit to the Harbor Department but may provide alliance members as an "interim solution" with an operational efficiency, resulting in further cost savings.

Changes in the tariff require City Council approval. Council has not calendared and approved the Permanent Order and Ordinance; therefore, a Second Temporary Order is proposed to allow additional time for the Permanent Order to pass through the City Council approval process. This Second Temporary Order, if approved, will expire in 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 to (1) Adopt the Second Temporary Order No. _____ amending Tariff No. 4, Section Five "Transferred Merchandise – Wharfage" Items 520 and 550-033; and (2) Approve the Amendment to POLA Tariff No. 4, which would amend Section Five, subject to the California Association of Port Authority (CAPA) review and approval, and authorize the Executive Director to work with CAPA to secure this approval or proceed to take independent action in accordance with CAPA procedure; (3) Authorize the Board Secretary to certify to the adoption of the Second Temporary Order by the Board 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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Construction

4. Re: RESOLUTION NO. _____ - CHANGE ORDER NO. 15
LEAD CONTAMINATED SOIL REMOVAL AND BACKFILL
CONTRACTOR: GRIFFITH COMPANY - HARRY
BRIDGES BOULEVARD BUFFER, SPECIFICATION
NO. 2699 - CONTRACT NO. 2261

SUMMARY: On November 20, 2008, the Board of Harbor Commissioners (Board) awarded the Harry Bridges Boulevard Buffer project to Griffith Company, Santa Fe Springs, California, in the amount of \$54,439,144 to create a 30-acre open space in the Wilmington area of the Port of Los Angeles. A 5% contingency was allocated to this project for a total authorized amount of \$57,161,102. Change Order No. 15 will authorize the contractor to excavate, transport and dispose of contaminated soil discovered on the northwest corner of the project and backfill with imported soil.

Recommendation: Board resolve to (1) Approve and authorize the Executive Director to execute Change Order No. 15 (Transmittal No. 1), which increases the contract amount by \$1,350,000; and (2) Adopt Resolution No. _____.

Information Technology

5. Re: RESOLUTION NO. _____ - CONTRACT NO. 39485 WITH
INFOR GLOBAL SOLUTIONS, INC., FOR SOFTWARE
LICENSING AND MAINTENANCE OF THE HARBOR
DEPARTMENT'S FINANCIAL SYSTEM

SUMMARY: The Information Technology Division is requesting approval of contract number 39485 with Infor Global Solutions, Inc. (INFOR), a Michigan Corporation, for required license and maintenance of the enterprise financial software used by the City of Los Angeles, Harbor Department (Department). The license and maintenance fee is required in order for the Department to continue to use the INFOR financial system and to receive system updates and support. The contract will authorize an amount not to exceed \$835,000 for a three year term. This includes \$262,002 for the first year of license and maintenance, with two annual renewal options at a price not to exceed six percent from the previous year's price. The renewal options will be necessary if the Department continues to use the software.

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5. (Continued)

Recommendation: Board resolve to (1) Find that in accordance with the Los Angeles Charter Code Section 1022, work under the subject contract (software license and maintenance) can be performed more feasibly by independent contractors than by City employees; (2) Approve Contract No. 39485 between the City of Los Angeles and INFOR at an amount not to exceed \$835,000 for a term of three years; (3) Authorize the Executive Director and Board Secretary to execute and attest Contract No. 39485 and two one-year renewal options at the discretion of the Executive Director; and (4) Adopt Resolution No. _____ .

6. Re: RESOLUTION NO. _____ - AGREEMENTS WITH BIRDI & ASSOCIATES INC., SIERRA CYBERNETICS, INC. AND TECH/KNOWLEDGE INC. FOR ON-CALL INFORMATION TECHNOLOGY SERVICES AND RELATED ITEMS

SUMMARY: The Information Technology Division (ITD) is requesting approval to award agreements to Birdi & Associates Inc. (\$750,000), Sierra Cybernetics, Inc. (\$750,000) and Tech/Knowledge Inc. (\$750,000), in an aggregate amount not-to-exceed \$2,250,000, to support ongoing information technology operations, services, and related items on an on-call/as-needed basis. The recommendation to select Birdi & Associates Inc., Sierra Cybernetics, Inc. and Tech/Knowledge Inc. is based on the competitive Request for Qualifications (RFQ) process performed by the City of Los Angeles, Harbor Department (Department). The term of each agreement is for three years.

All three firms are qualified small business enterprises (SBEs). Therefore, 100% of the proposed agreements will contribute towards the Department's SBE objectives. Birdi & Associates Inc. is based in Altadena, California. Sierra Cybernetics, Inc. is based in Anaheim Hills, California. Tech/Knowledge Inc. is based in Pasadena, California.

Recommendation: Board resolve to (1) Find that in accordance with Charter Section 1022 findings, there is insufficient existing City staff to perform the work being proposed to contracted and additional staff cannot be employed and trained in a timely manner to meet the Department's needs. The work is of limited scope or intermittent nature and it is unlikely that the City would be able to continue the employment of the persons hired for this work; (2) Approve the agreement with Birdi & Associates Inc. at an amount not-to-exceed \$750,000; Sierra Cybernetics,

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6. (Continued)

Inc. at an amount not-to-exceed \$750,000; and Tech/Knowledge Inc. at an amount not-to-exceed \$750,000 to support ongoing information technology operations, services, and related items on an on-call/as-needed basis for a three year term and authorize the expenditure of said amounts (See Transmittals 1-3); (3) Authorize the Executive Director or designee to execute each agreement and authorize the Board Secretary to attest to said agreements; and (4) Adopt Resolution No. _____.

REGULAR ITEM (7)

7. Re: RESOLUTION NO. _____ - AGREEMENT WITH SCIENCE APPLICATIONS INTERNATIONAL CORPORATION TO CONDUCT AN INTEGRATED COMMAND CONSOLE AND AUTOMATED LAW ENFORCEMENT RESOURCE TRACKING SYSTEM PROJECT

SUMMARY: The Information Technology and Port Police Divisions request that the Los Angeles Board of Harbor Commissioners (Board) award an agreement to Science Applications International Corporation (SAIC) to develop the Integrated Command Console System (ICC) and Automated Law Enforcement Resource Tracking Systems (ALERTS). ICC and ALERT systems augment the capabilities of the City of Los Angeles, Harbor Department's (Department) video surveillance and access control systems by providing software to improve critical incident planning and emergency response management. ICC and ALERTS will also provide mapping technology to locate Port Police resources throughout the Port. The systems will provide a single point of access to video security systems, incident management systems, communications systems and emergency notification systems. ICC will support remote incident command management, and will provide the capability to share video images between ICC and Port Police field units. ICC and ALERTS will also benefit Port tenants by providing a venue to share information with tenants to improve goods movement and security.

This project contributes to the overall achievement of the Port Wide Security Plan and the Department's Information Technology Strategic Plan. The cost of the proposed agreement is for an amount not to exceed \$4,200,000 and is fully reimbursable by state and federal grants. The term

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7. (Continued)

of the agreement is three years. SAIC will share 67% of their project fees with qualified Small Business Enterprise vendors who make up its project team, thereby contributing towards the Department's SBE objectives. SAIC was selected through a competitive process as the most qualified vendor.

SAIC, the prime contractor is based in San Diego, California. SAIC's subcontractors are based as follows, NorthSouth GIS in Los Angeles, Patriot Data Solutions Group in San Diego, Americon in San Diego, NC4 in El Segundo, Orsus Solutions in New York, RiverGlass in Champaign, Illinois, and RealityMobile in Herndon, Virginia.

Recommendation: Board resolve to (1) Find that in accordance with the Los Angeles City Charter Section 1022, the work can be performed more feasibly by independent contractors than by City employees; (2) Approve the agreement with Science Applications International Corporation to develop the Integrated Command Console System (ICC) and Automated Law Enforcement Resource Tracking System (ALERTS) for a term of three years and authorize expenditures for an amount not to exceed \$4,200,000 (Transmittal 1); (3) Authorize the Executive Director or designee to execute the agreement and authorize the Board Secretary to attest to said agreement; and (4) Adopt Resolution No. _____.

H. 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: City of Riverside v. City of Los Angeles, et al., Orange County Superior Court Case No. 30-2009-00123216, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

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CLOSED SESSION (Continued)

3. Discussion of pending litigation entitled: Jesse Marquez v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS120716, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.

4. Instructions to negotiators relating to lease negotiations with APM Terminals Pacific Ltd. concerning Permit No. 827, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for APM Terminals Pacific Ltd. will be Alan McCorkle. The negotiator for the Port of Los Angeles will be Kathryn McDermott.