

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, FEBRUARY 21, 2008, AT 6:00 P.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 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. REPORT OF THE EXECUTIVE DIRECTOR

D. REPORTS OF COMMISSIONERS

E. BOARD COMMITTEE REPORTS

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F. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-10)

Environmental

- 1. Re: PROPOSED AMENDMENT TO AGREEMENT NO. 2273 BETWEEN THE CITY OF LOS ANGELES AND CH2M HILL, INC. FOR COMPLETION OF THE BERTH 97-109 [CHINA SHIPPING] CONTAINER TERMINAL PROJECT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT**

SUMMARY: Staff recommends approval of the Fourth Amendment to the consultant agreement with CH2M Hill, Inc., for the completion of the Berth 97-109 [China Shipping] Container Terminal Environmental Impact Statement/Environmental Impact Report (EIS/EIR). This action will extend the contract for one year through March 17, 2009, but will not increase the overall contract amount.

Recommendation: Board resolve that (1) the amendment to extend the contract term to March 17, 2009, be approved; (2) the Board Secretary be directed to forward the amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said amendment.

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Public Affairs

**2. Re: APPROVAL OF THE FIRST AMENDMENT TO
AGREEMENT NO. E6364 WITH DEFY AGENCY, INC.
FOR WEBSITE DESIGN AND MAINTENANCE**

SUMMARY: Agreement No. E6364 with Culver City-based Defy Agency, Inc., was approved by the Executive Director on March 8, 2007, following a Request for Proposals (RFP) selection process. This contract provides for assistance with design and development of a new Port website with an improved user interface to provide easy access to a growing amount of online content and resources. The proposed amendment increases the term of the agreement by one year, adds language for an additional one-year option and expands Defy Agency, Inc.'s role to include content management and web page development on an as-needed basis. This amendment ensures that the Port's website content and design will have continuity as the Port expands the website's content and adds features that specifically support our ongoing goal to interact with a broader base of community and business stakeholders.

Recommendation: Resolve that (1) the Board find that the scope of work to be completed is of a temporary and occasional nature and is best completed by a contractor on an interim basis; (2) the First Amendment to Agreement No. E6364 with Defy Agency, Inc. to extend the term by one additional year, with an additional one-year option, for a total term of up to three years, and an amount not-to-exceed \$70,000 per year (\$210,000 of up to three years) be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to the proposed amendment.

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Construction and Maintenance

- 3. Re: INCREASE FUNDING FOR CONTRACT NO. 31089-07
WITH ASSOCIATED OF LOS ANGELES FOR
ELECTRICAL SUPPLIES AND PARTS**

SUMMARY: Increase funding from \$149,999 to \$250,000 for Contract No. 31089-07 with Associated of Los Angeles for the purchase of electrical supplies and parts. Board action is required because the contract authority increase exceeds the threshold of Executive Director approval.

Recommendation: Board resolve that the increase in funding for Contract No. 31089-07 for the purchase of electrical supplies and parts with Associated of Los Angeles, Los Angeles, CA, be approved, and the Executive Director be authorized to execute the contract change(s) and contract renewals in accordance with Los Angeles General Services Department (LAGSD) Contract No. 58695 on behalf of the Board.

- 4. Re: AWARD OF CONTRACT NO. 39404 FOR A MARINE
TRASH/DEBRIS COLLECTION SKIMMER SYSTEM,
BID F-561, TO BARBER WELDING INC., DBA ALPHA
BOATS UNLIMITED**

SUMMARY: Award of contract to Barber Welding Inc., dba Alpha Boats Unlimited, for the purchase of a complete marine trash/debris collection skimmer system.

Recommendation: Board resolve that approval be granted for awarding of Contract No. 39404 for the purchase and delivery of a complete marine trash/debris collection skimmer system to Barber Welding Inc., dba Alpha Boats Unlimited, Weedsport, NY, in the total amount of \$396,995, including sales tax, and the Executive Director be authorized to execute the contract on behalf of the Board.

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Real Estate

5. Re: ACQUISITION OF VACANT LAND LOCATED AT 713 NORTH FRONT STREET, KNOLL HILL, ALSO DESCRIBED AS LOTS 23 & 24, TRACT NO. 2817, AND APN NOS. 7448-034-014 & 015

SUMMARY: The Harbor Department ("Port") has acquired title to both improved and unimproved parcels on Knoll Hill, and has title to 149 of the 153 parcels, or 12.85 out of a total of 13.13 acres. Recently, the Port received an offer to purchase privately-owned property located at 713 North Front Street, and we proposed this acquisition as part of the voluntary purchase program of properties on Knoll Hill. With the purchase of the subject property containing 5,445 square feet ("SF"), two properties will remain in private ownership, totaling 11,544 SF; a single family residence and a mechanic shop, as depicted on the attached map.

Recommendation: Board resolve that (1) the Resolution authorizing the acquisition of the private property located at 713 North Front Street, described as Lots 23 and 24 of Tract 2817, for a purchase price of \$220,000, plus the expenditure of an additional \$1,500 for escrow and title fees, for a total of \$221,500 be adopted; and (2) the Executive Director be authorized to execute the Agreement and Joint Escrow Instructions for the Acquisition of Real Property and all other documents necessary to complete the transaction between Gary Butcher, Seller, and the Port of Los Angeles, Buyer. First American Title Insurance Company is the escrow holder and title insurer.

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6. Re: **PROPOSED JOINT REVOCABLE PERMIT NO. 07-24 WITH WC AUTO BODY OF SOUTH GATE, INC., THE PORT OF LOS ANGELES, AND THE PORT OF LONG BEACH (LAHD #70019)**

SUMMARY: On December 28, 1994, the Ports of Los Angeles and Long Beach (Ports) jointly purchased certain railroad properties in the County of Los Angeles in connection with the construction of the Alameda Corridor. All railroad properties purchased are held by both Ports as tenants in common, each holding an undivided 50% interest in the property.

WC Auto Body of South Gate, Inc. is requesting a joint revocable permit from the Port of Los Angeles (POLA) and the Port of Long Beach (POLB) to cover their existing auto body and spray booth operations on jointly-owned right-of-way, located east of Atlantic Avenue in the City of South Gate, as depicted on the attached map.

The Real Estate Division of each Port, acting by and through its Executive Director, has bilaterally determined that issuing this joint revocable permit is in the best interest of POLA and POLB.

Recommendation: Board resolve that (1) the Order approving and authorizing the issuance of the proposed joint revocable permit by and between the Port of Los Angeles, acting by and through its Board, and the Port of Long Beach, acting by and through its Board, based on the terms and conditions as set forth in the Board report and (2) the Executive Director and Board Secretary is authorized to execute and attest to the proposed joint revocable permit.

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7. Re: **AUTHORIZATION TO ENTER INTO AN OWNER PARTICIPATION AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES FOR DEVELOPMENT OF THE PORT POLICE HEADQUARTERS AND ADAPTIVE REUSE OF THE PORT OF LOS ANGELES CHARTER HIGH SCHOOL**

SUMMARY: In order for the Port of Los Angeles (Port) to proceed with its development of the new Port Police Headquarters at 260 West 5th Street and 320 South Centre Street (new address: 310 and 330 South Centre Street), San Pedro, and allow adaptive reuse of the building at 250 West 5th Street, San Pedro, as a public charter high school, it is necessary to enter into the proposed Owner Participation Agreement (OPA) with the Community Redevelopment Agency of the City of Los Angeles (CRA/LA). The proposed Port Police Headquarters facility and the public charter high school are within the CRA/LA Beacon Street Redevelopment Project Area.

As part of the agreement, the Port will provide two public plazas that will be available for use by the community and charter high school students; one hundred (100) public parking spaces for community events at the Port's surface parking lot at Liberty Hill Plaza; and promotion of employment opportunities for area residents through the utilization of the Port's Local Hire Program. The Port's contribution will further our efforts to bolster downtown San Pedro redevelopment by providing linkage between our property and the downtown area.

Recommendation: Board resolve that (1) the Order approving the Owner Participation Agreement (OPA) between the City of Los Angeles Harbor Department (Department) and the Community Redevelopment Agency of the City of Los Angeles (CRA/LA), for the purposes of a new Port Police Headquarters at 260 West 5th Street and 320 South Centre Street (new address: 310 and 330 South Centre Street), and for the adaptive reuse of the building at 250 West 5th Street as a public charter high school, within the CRA/LA Beacon Street Redevelopment Project Area be adopted; (2) the Board Secretary be directed to transmit the Order and OPA to the City Council for approval, pursuant to Charter Section 606; and (3) the Executive Director and Board Secretary be authorized to execute and attest to the OPA with CRA/LA upon approval by City Council.

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Engineering

- 8. Re: PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND PBS&J, HALCROW INC., AND DMJM + HARRIS FOR THE MARINE OIL TERMINAL ENGINEERING AND MAINTENANCE STANDARDS (MOTEMS) AUDIT AND DESIGN SUPPORT SERVICES**

SUMMARY: The agreement with PBS&J – Orange, California; Halcrow Inc. – Long Beach, California; and DMJM + Harris – Orange, California; provide the Port of Los Angeles with Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) audit and design support services for seven liquid bulk facilities located at the Port of Los Angeles. This action will authorize the following professional services agreements:

<u>Consultant</u>	<u>Term</u>	<u>Amounts</u>
PBS&J	3 years	\$5,100,000
Halcrow Inc.	3 years	\$5,200,400
DMJM + Harris	3 years	\$5,100,000

Recommendation: Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject agreement(s) is temporary in nature and can be performed more feasibly by an independent consultant(s) rather than by City employees; (2) the subject agreement(s) with PBS&J, Halcrow Inc., and DMJM + Harris as listed on the Board report be approved; and (3) the Executive Director and Board Secretary be authorized to execute and attest to said agreement(s) for and on behalf of the Board.

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Port Police

9. Re: **SECOND TEMPORARY ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 2, ITEM 220, PENALTIES FOR VIOLATIONS**

SUMMARY: *A permanent order amending penalties for violations was approved by the Harbor Commissioners on December 6, 2007. An initial temporary Board Order was also approved and made valid for ninety days, effective December 20, 2007.*

A second temporary order is being proposed to allow ample time for the permanent Board 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) Port of Los Angeles Tariff No. 4, Item 220 be amended to all language and items for misdemeanors and infractions to tariff; and (2) the Board Secretary be authorized to execute the temporary Board Order and transmit same to Chief Wharfinger for implementation.

Construction Division

10. Re: **RESOLUTION TO ADOPT THE LOS ANGELES HARBOR DEPARTMENT SUSTAINABLE CONSTRUCTION GUIDELINES FOR REDUCING AIR EMISSION**

SUMMARY: *The proposed Resolution adopts the Los Angeles Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions. Following adoption, the guidelines will be used to establish air emission criteria for inclusion in construction bid specifications. The guidelines will reinforce and require sustainability measures during performance of the contracts, balancing the need to protect the environment, be socially responsible, and provide for the economic development of the Port. Future resolutions are anticipated to expand the guidelines to cover other aspects of construction, such as materials management, energy use, health and safety, and labor. These guidelines fall within the framework of the forthcoming Port Sustainability Program.*

Recommendation: Adoption of the Resolution adopting the Los Angeles Harbor Department Sustainable Construction Guidelines for Reducing Air Emissions.

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Regular Items (11-12)

Environmental

**11. Re: CHINA SHIPPING PORT COMMUNITY AESTHETIC
MITIGATION PROGRAM - WILMINGTON PROJECTS**

SUMMARY: The Port's Community Aesthetic Mitigation Program was established in 2003 to implement aesthetic mitigation projects in the communities of San Pedro and Wilmington. The program funding process and requirements were established in the China Shipping settlement agreement, the Amended Stipulated Judgment (ASJ), between the City of Los Angeles and the Natural Resources Defense Council. The Port solicited projects for the Wilmington Community in January 2007, and in accordance with the settlement, projects were received and evaluated. This resulted in the Port Community Advisory Committee (PCAC) recommending five aesthetic mitigation projects in December 2007. Staff requests approval of funding for two of the projects at this time. The two projects are the Banning Museum Transportation Exhibit in an amount not to exceed \$900,000 and the Wilmington YMCA Aquatics Center and Programs in an amount not to exceed \$2.7 million. The remaining three projects have insufficient detail to implement at this time and will be referred to project applicants for additional information.

Recommendation: Resolve that (1) the Board find that the Banning Museum Transportation Exhibit and YMCA Aquatics Center and Programs projects are compliant under California State Lands Commission and China Shipping Settlement requirements; (2) funds from the Wilmington Community Aesthetic Mitigation Fund for the Banning Museum Transportation Exhibit project in an amount not to exceed \$900,000 be approved and allocated; and (3) funds from the Wilmington Community Aesthetic Mitigation Fund for the YMCA Aquatics Center and Programs project in an amount not to exceed \$2.7 million be approved and allocated.

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Real Estate

- 12. Re: PROPOSED REVOCABLE PERMIT NO. 07-21
GRANTED BY THE LOS ANGELES HARBOR
DEPARTMENT TO EASTVIEW LITTLE LEAGUE, INC.**

SUMMARY: Proposed Revocable Permit No. 07-21, between the City of Los Angeles, Harbor Department (Department), and Eastview Little League, Inc. (Eastview), is for a term not to exceed three years for the temporary use of Port of Los Angeles (Port) property located on Knoll Hill, San Pedro, for the purposes of construction, operation and maintenance of temporary youth baseball fields and associated parking lots.

Recommendation: Adoption of the Order authorizing the Executive Director to execute Revocable Permit No. 07-21, granted by the Department, to Eastview for a term not to exceed three years, effective upon execution of the Executive Director, and terminating on January 31, 2011.

G. DEPUTY EXECUTIVE DIRECTOR REPORT

- 1. John Holmes
Deputy Executive Director of Operations**

H. CLOSED SESSION

- 1. 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.**