

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, OCTOBER 18, 2007, 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**

**C. REPORT OF THE EXECUTIVE DIRECTOR**

**D. REPORTS OF COMMISSIONERS**

**E. PRESENTATIONS**

- 1. Update on the San Pedro Waterfront**

**F. BOARD COMMITTEE REPORTS**

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G. REPORTS OF THE EXECUTIVE DIRECTOR

**Consent Items (1-7)**

**Construction Division**

1. Re: REJECTION OF ALL BIDS – BERTHS 302-305  
TERMINAL LIGHTING UPGRADE, SPECIFICATION  
NO. 2688

*SUMMARY: This project involves replacing existing high mast light pole fixtures throughout the American President Line Terminal at Berths 302-305 with new light fixtures which will also reduce the amount of light glare at the terminal. The low bidder for this project is Helix Electric, Inc., located at 8260 Camino Santa Fe, Suite A, San Diego, CA. The contract amount is \$2,831,000 and the contract duration is 220 calendar days.*

**Recommendation:** Board resolve that all bids be rejected and the Executive Director be authorized to re-advertise the redesigned Berths 302-305 Terminal Lighting Upgrade with the most energy efficient, sustainable, and technologically advanced low-glare lighting system available.

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**2. Re: AWARD OF CONTRACT – BERTHS 230-232  
ALTERNATIVE MARITIME POWER (AMP) RETROFIT,  
EVERGREEN TERMINAL, SPECIFICATION NO. 2692**

*SUMMARY: This project involves installation of an Alternative Maritime Power (AMP) system at Berths 230-232 Evergreen Terminal. The system includes an electrical utility substation, electrical switchgear, underground conduits, cables, and AMP outlets. The low bidder for this project is Dynalectric, located at 4462 Corporate Center Drive, Los Alamitos, CA 90730. The contract amount plus contingency is \$4,058,802 and the contract duration is 365 calendar days.*

**Recommendation: Board resolve that (1) the above-mentioned contract for Item Nos. 1 through 5 of the proposal schedule be awarded to Dynalectric, in the amount of \$3,529,393; that a 15% contingency not included in the original contract amount be applied for a total authorized amount of \$4,058,802; and that payment be authorized from the Construction Account. The contract time for performance of the work will be 365 calendar days from the Notice to Proceed; (2) the Executive Director and the Board Secretary be authorized to execute and attest to this contract for and on behalf of the Board; and (3) in accordance with City Charter 655(g), the Board delegate and authorize the Executive Director to accept the construction contract upon its completion.**

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**Marketing Division**

3. Re: **ADOPT RESOLUTION TO THE FOREIGN-TRADE ZONES (FTZ) BOARD FOR THE EXPANSION AND REORGANIZATION OF FOREIGN-TRADE ZONE NO. 202**

*SUMMARY: The Port of Los Angeles (Port), as zone grantee (grantee), is required to justify acreage within the zone to the Foreign-Trade Zone (FTZ) Board. The FTZ Board mandates that all grantees optimize the amount of acres used within their zone. The FTZ Board introduced new regulations in 2004 requiring sites designated from the year 2004 forward, to be activated within five years after FTZ Board approval. Land owners whose sites were granted FTZ status prior to 2004 are not subject to the five year FTZ activation mandate. Land owners possessing non-activated pre-2004 FTZ acreage traditionally opt to maintain FTZ status because it makes their property more marketable. Regardless, grantees remain responsible to justify acreage within the zone.*

*When changes within a zone take place, grantees file an "Expansion and Reorganization Application." Every application requires an adopted Resolution by the Board of Harbor Commissioners (See Transmittal 1) authorizing the Executive Director or the designee to sign and submit the application to the FTZ Board. The Resolution is an administrative requirement of the FTZ Board.*

*There are currently portions of land within the zone not being use for FTZ purposes. The Port is requesting that the FTZ Board authorize the reduction of the area within FTZ No. 202 from 5,713.88 acres to 5,384.28 acres, a net reduction of 347.6 acres. The reorganized FTZ will then contain 20 General-Purpose Sites totaling 5,384.28 acres (See Transmittal 2) of which seven sites are active today, representing 772.53 acres. The zone expansion and reorganization is an ongoing process. The Port, as grantee will continue to review FTZ acreage used and will seek approvals to change acreage through an "Expansion and Reorganization Application when appropriate.*

**Recommendation:** Adoption of the Resolution, which authorizes the Executive Director or the designee to execute and submit the application to the FTZ Board.

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Real Estate Division

4. Re: PROPOSED SECOND AMENDMENT TO REVOCABLE PERMIT NO. 96-13 WITH AMERICAN MARINE CORPORATION (FORMERLY KNOWN AS AMERICAN DIVERS, INC.)

*SUMMARY: Under the terms of Revocable Permit No. 96-13 (RP No. 96-13), American Divers, Inc., (American Divers), who has changed its name to American Marine Corporation (American Marine) is granted use of Port of Los Angeles (Port) land and water areas at Berths 270-271, Fish Harbor, Terminal Island, as depicted on the attached map, for the purposes of providing tugboat services to transport vessels and barge services to transport marine equipment and supplies.*

*Currently, under RP No. 96-13, American Divers has use of Parcel Nos. 1, 2, and 3, as depicted on Harbor Engineer's Drawing No. 1-2021-2. This proposed Second Amendment adds Parcel 1A, which contains 31,173 s.f. of dock space. American Marine, through its affiliated company, Dynamite Inc., previously occupied Parcel 1A under a sublease agreement with Los Angeles Export terminal, Inc. (LAXT). Effective March 16, 2007, control of Parcel 1A reverted to the Port; and now the Port proposes to lease Parcel 1A directly to American Marine, subject to the revocable permit's current compensation and any scheduled increases.*

**Recommendation:** Board resolve that (1) the Order authorizing the Executive Director to execute the proposed Second Amendment to RP No. 96-13 based on the terms and conditions as listed on the Board report be adopted; and (2) the Executive Director and Board Secretary be authorized to execute and attest to the proposed Second Amendment to RP No. 96-13.

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Environmental Management

5. Re: APPROVAL OF A MULTI-AGENCY FUNDING AGREEMENT TO SHARE THE COSTS FOR ENGINEERING, ENVIRONMENTAL AND COMMUNITY OUTREACH SERVICES ASSOCIATED WITH THE I-710 CORRIDOR PROJECT

*SUMMARY: The Los Angeles County Metropolitan Transportation Authority (METRO) is the lead agency on the I-710 Corridor Project, which includes the development of an engineering Project Report, an Environmental Impact Report/Environmental Impact Statement (EIR/EIS), and community outreach efforts. Provisions for future freight mobility and air quality improvements along this corridor will be included in this effort through a full examination of alternatives including the use of advanced technology for the movement of goods. The total cost of the project is \$27,000,000 expended over 44 months.*

*On June 7, 2006, the Port of Los Angeles approved \$5,000,000 for this project and earmarked an additional \$1,000,000 for a pilot project that uses a non-polluting alternative to transport containers. Staff is now recommending participation in the multi-agency funding agreement to carry out the work.*

**Recommendation:** Resolve that (1) the Board find that supporting the Los Angeles County Metropolitan Transportation Authority (METRO) on the I-710 Corridor Project is consistent with the public trust for navigation, commerce, recreation, and fisheries; and (2) financial participation as noted in the multi-agency funding agreement for a not-to-exceed amount of \$5,000,000 for funding the I-710 Corridor Project over 44 months and an amount not-to-exceed \$1,000,000 for a pilot project as identified in item 3 below be approved; (3) authority be delegated to the Executive Director to work with METRO to identify a pilot project that uses "green technology" or other non-polluting alternatives to transport containers; and (4) the Executive Director and the Board Secretary be authorized to execute and attest to the multi-agency funding agreement for and on behalf of the Board.

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6. Re: **AMENDMENTS TO AGREEMENT 2467 WITH ENVIRON INTERNATIONAL CORPORATION, AGREEMENT 2295 WITH STARCREST CONSULTING GROUP, LLC, AND AGREEMENT 2396 WITH TETRA TECH, INC., FOR AIR QUALITY CONSULTING SERVICES**

*SUMMARY: The agreements with Environ International Corporation, Novato, CA (2467), Starcrest Consulting Group, LLC Albuquerque, NM (2295), and Tetra Tech, Inc., Pasadena, CA. (2396) provide the Port of Los Angeles with expert professional and technical support for the planning, implementation and reporting of air quality measures and programs associated with the San Pedro Bay Ports Clean Air Action Plan and other professional air quality services. Additional funding is necessary to carry these services forward through the end of the contracts' term. Staff recommends increasing each agreement as noted below for a combined total amount, not-to-exceed \$1,800,000. All other terms of the agreements remain unchanged.*

**Recommendation:** Resolve that (1) the Board find that in accordance with the City Charter Section 1022, work under the subject Agreements can be performed more feasibly by independent consultants rather than by City employees; (2) the three amendments to existing Air Quality agreements for an additional \$1,800,000 be approved and distributed as follows:

- a. Amendment No. 1 to Agreement No. 2467 with Environ International Corporation for an additional \$800,000, increasing compensation from \$1,000,000 to \$1,800,000;
  - b. Amendment No. 2 to Agreement No. 2395 with Starcrest Consulting Group, LLC for an additional \$600,000, increasing compensation from \$2,500,000 to \$3,100,000;
  - c. Amendment No. 2 to Agreement No. 2396 with Tetra Tech, Inc., for an additional \$400,000, increasing compensation from \$2,500,000 to \$2,900,000; and
- (3) the Executive Director and the Board Secretary be authorized to execute and attest to said amendments, for and on behalf of the Board.

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**7. Re: MEMORANDUM OF AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

*SUMMARY: The United States Army Corps of Engineers (Corps) has federal regulatory authority over certain port construction, dredging, and filling activities. One primary example of such regulatory authority is under the National Environmental Policy Act (NEPA) which requires the Corps to conduct environmental assessments for many port development projects. The Water Resources Development Act of 2000 (WRDA) allows non-federal public entities such as the Port of Los Angeles (Port) to augment the Corps' regulatory budget as a means of facilitating the environmental review process. Staff recommends approval of a 3-year Memorandum of Agreement (MOA) with the Corps for a total not-to-exceed amount of \$800,000 which will be used to expedite the Corps' independent evaluation of the Port's priority permit applications and environmental assessments.*

**Recommendation:** Board resolve that (1) the Agreement with the United States Army Corps of Engineers for a term of three (3) years for a not-to-exceed amount of \$800,000 be approved; and (2) the Executive Director and Board Secretary be authorized to execute and attest to said Agreement for and on behalf of the Board.

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**H. CLOSED SESSION**

1. Discussion of pending litigation entitled: Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS070017, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
2. Discussion of pending litigation entitled: City of Los Angeles v. Kinder Morgan, Inc., et al., Los Angeles Superior Court Case No. NC041463, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: City of Los Angeles v. San Pedro Boat Works, Inc., et al., United States District Court Case No. CV-02-7986 MRP (JWJx), pursuant to subdivision (a) of Section 54956.9 of the California Government Code.