

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MAY 15, 2008, 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 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

F. PRESENTATION

1. Pier Pass Update, Bruce Wargo

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G. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-2)

Construction & Maintenance

1. Re: RESOLUTION NO. _____ - AGREEMENT WITH POSTHOLE DIGGER, INC., FOR THE MAINTENANCE OF A RAIL STORAGE YARD AT PIER 300

SUMMARY: Award of a three-year personal services agreement with Posthole Digger, Inc., of Brier, WA, for maintenance of the rail storage yard at Pier 300. These services were previously provided by Eagle Marine Services, but it was determined that they had no obligation to maintain the location, making it the Port's responsibility to maintain the rail storage yard. The Pier 300 rail storage yard is a vital component to the transportation infrastructure at the Port of Los Angeles.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, work under the subject agreement can be performed more feasibly by independent contractors than by City employees, and the recitals in the Agreement are true and correct; (2) the Agreement with Posthole Digger, Inc., for a term of three years in an amount not to exceed \$247,014 for the maintenance of a rail storage yard at Pier 300 be approved; (3) the Executive Director and the Board Secretary be authorized to execute and attest to said agreement on behalf of the Board; and (4) Resolution No. _____ approving a three-year agreement with Posthole Digger, Inc., be adopted.

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Management Audit Division

2. Re: **RESOLUTION NO. ____ - APPROVAL OF FIRST AMENDMENT TO PERSONAL SERVICES AGREEMENT NO. 2550 BETWEEN CITY AND L.A. CONSULTING, INC., TO PROVIDE POST-AUDIT IMPLEMENTATION CONSULTING SERVICES**

SUMMARY: The Los Angeles Board of Harbor Commissioners is requested to approve the First Amendment to Agreement No. 2550 between City and L.A. Consulting, Inc., Manhattan Beach, CA, to provide post-audit implementation consulting services to select and deploy a Computerized Maintenance Management System, and implement a series of recommendations to improve Construction and Maintenance operating efficiencies, which will result in annual cost savings between \$1-2 million. The First Amendment is for an additional not-to-exceed amount of \$325,000, including related and contingency expenses, and a two-year extension to the contract term.

Recommendation: Resolve that (1) the Board find that in accordance with City Charter Section 1022, the services under the First Amendment are temporary and of a professional, expert, and technical nature, which can be performed more feasibly by an independent contractor; (2) First Amendment to Agreement No. 2550 between City and L.A. Consulting, Inc., at an aggregate not-to-exceed amount of \$550,000, including related and contingency expenses, to provide professional post-audit implementation consulting services, and increase the term from one year to three years be approved; (3) the Executive Director and Board Secretary be authorized to execute and attest to said proposed First Amendment for and on behalf of the Board; and (4) Resolution No. ____ approving the First Amendment to provide professional post-audit implementation consulting services be adopted.

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Regular Items (3-5)

Operations Bureau and Finance & Administration Bureau

3. Re: ORDER NO. _____ - CLEAN AIR ACTION PLAN – CLEAN TRUCKS PROGRAM: (1) PORT OF LOS ANGELES DRAYAGE TRUCK CONCESSION AGREEMENT; (2) TEMPORARY ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4 CLEAN TRUCK FEE

SUMMARY: The proposed action recommends that the Board of Harbor Commissioners approve two items to further implement the Clean Trucks Program: (1) Port of Los Angeles Concession Agreement, and (2) temporary order to implement certain amendments to Port of Los Angeles Tariff No. 4 to allow for immediate change in the date of commencement of collection of the Clean Truck Fee from June 1, 2008 to October 1, 2008.

Recommendation: Board resolve that (1) the form of Port of Los Angeles Concession Agreement set forth in Transmittal 1 be approved; (2) a Temporary Order approving the amendment to Port of Los Angeles Tariff No. 4 (Transmittal 2) be adopted. The form of the Tariff Amendment is the same as that which this Board previously approved by permanent Order on March 20, 2008, which is currently pending before the Los Angeles City Council; and (3) the Board Secretary be authorized to certify to the adoption of this Order by the Board of Harbor Commissioners and cause the same to be published once in a daily newspaper printed and published in the City of Los Angeles.

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City Attorney

4. Re: **RESOLUTION NO. ____ - SECOND AMENDMENT TO AGREEMENT NO. 2477 BETWEEN THE CITY OF LOS ANGELES AND MAYER BROWN, LLP FOR LEGAL SERVICES**

SUMMARY: The City Attorney requests authority for a Second Amendment and adoption of this Resolution extending a two-year contract with outside counsel to a four-year term.

Recommendation: Board resolve that (1) the Second Amendment to Agreement No. 2477 extending the term of the Agreement from a two-year period to a four-year period be approved; (2) this Board Report as the Resolution extending the term of Agreement No. 2477 from a two-year period to a four-year period terminating on July 17, 2010 be adopted; (3) the Executive Director be authorized to execute the Second Amendment to Agreement No. 2477 extending the term of the Agreement for two years; and (4) the Board Secretary be directed to transmit the Second Amendment to Agreement No. 2477 to the City Council for its approval pursuant to Section 373 of the Charter.

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5. Re: RESOLUTION NO. _____ - SECOND AMENDMENT TO AGREEMENT NO. 2441 WITH STANZLER, FUNDERBURK & CASTELLON LLP FOR LEGAL SERVICES RELATING TO *CITY OF LOS ANGELES V. KINDER MORGAN ENERGY PARTNERS, L.P., ET AL.*, LASC CASE NO. NC 041463

SUMMARY: *The City Attorney requests authority to execute a one-year contract extension with outside counsel to cover trial delays.*

Recommendation: Board resolve that (1) the Second Amendment to Agreement No. 2441 between the City of Los Angeles and Stanzler, Funderburk & Castellon LLP extending the term from three to four years be approved and the Executive Director be authorized to execute Second Amendment to Agreement No. 2441; (2) this Board Report as the Resolution extending the term of Agreement No. 2441 from three to four years be adopted; and (3) the Board Secretary be directed to transmit the Second Amendment to Agreement No. 2441 to the City Council for its approval pursuant to Section 373 of the Charter.

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H. CLOSED SESSION

- 1. Discussion of pending litigation entitled: The United States of America ex rel. State of California ex rel. Stanley D. Mosler v. City of Los Angeles, et al., United States District Court Case No. 02-02278-SJO, pursuant to subdivision (a) of Section 54956.9 of the California Government Code and retention of outside counsel.**
- 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 and retention of outside counsel.**
- 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 ABC (JWJx), pursuant to subdivision (a) of Section 54956.9 of the California Government Code.**
- 4. 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.**