

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, DECEMBER 6, 2007, AT 4:00 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. BOARD COMMITTEE REPORTS

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**F. REPORTS OF THE EXECUTIVE DIRECTOR**

**Consent Items (1-7)**

**Information Technology**

1. Re: **AWARD OF CONTRACT TO SABLE COMPUTER INC.,  
DBA KIS COMPUTER CENTER, FREMONT,  
CALIFORNIA, FOR NOVELL NETWARE MICROSOFT  
OUTLOOK/EXCHANGE**

*SUMMARY: The proposed agreement is a three-year award to Sable Computer Inc., DBA KIS Computer Center, a Small Business Enterprise, 4027 Clipper Court, Fremont, CA 94538 for services required to migrate the Harbor Department's existing Novell Netware/GroupWise computing platform to the Microsoft Outlook/Exchange (MS Outlook/Exchange) computing and network authentication environment, and to provide training to Harbor Department staff. Small business participation for the proposed contract is one hundred percent (100%).*

*Funds in the amount of \$427,000 were allocated for Microsoft Outlook Consulting and Microsoft Domain Controller migration in the Information Technology Division's FY 07/08 budget. Funds in the amount of \$15,000 for fiscal year 2008/2009 and \$15,000 for fiscal year 2009/2010 will be allocated for additional consulting services likely to be required as the Harbor Department expands to new locations. The total amount for the contract will not exceed \$457,000.*

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1. (Continued)

**Recommendation:** Resolve that (1) the Board find that in accordance with Section 1022 of the Los Angeles City Charter, it is more feasible for these services to be performed by independent contractors than by City employees because the expertise required is of a technical and temporary nature; (2) the above mentioned contract be awarded to Sable Computer Inc., DBA KIS Computer Center, Fremont, California, for services required to migrate from Novell Netware/GroupWise to Microsoft Outlook/Exchange computing environment; (3) the Executive Director, or her designee, be authorized to execute changes to the agreement as necessary to provide for additional services and materials that may be required over the term of the contract. A change executed by the Executive Director, or her designee, will under no circumstances affect the length of the contract, or increase the annual compensation allowed under the contract by more than \$150,000; however, if the change orders result in increasing the originally authorized compensation of \$457,000 by more than twenty-five percent (25%), Board of Harbor Commissioners approval shall be required for all such change orders; and (4) the Executive Director and Board Secretary be authorized to execute and attest to said Agreement, for and on behalf of the Board of Harbor Commissioners.

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Homeland Security

2. Re: MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LOS ANGELES, OFFICE OF THE MAYOR, HOMELAND SECURITY AND PUBLIC SAFETY AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT

*SUMMARY: This Memorandum of Agreement (MOA) between the Office of the Mayor and the Harbor Department pertains to grant funds provided to the City of Los Angeles by the U.S. Department of Homeland Security through the Urban Areas Security Initiative (UASI) for fiscal year 2005.*

*This grant award included several items approved for expenditure by the Harbor Department. The approved items were data and video display equipment to be installed in the Department Operation Center. The total dollar amount approved to be spent for these items was \$40,000. In addition, the grant award authorizes the reimbursement of overtime costs incurred during an Orange Alert, which is a heightened threat level. During the period of July 7-11, 2005, the Port Police generated overtime costs in the amount of \$32,900.*

*Council File 05-1995 requires the Mayor's office to execute an MOA with the Harbor for the reimbursement of UASI funds. Because the Harbor is considered to be an outside entity with their own revenue stream, separate from Council Controlled Departments who receive their budget from the General Fund, a MOA will serve to document this transfer of funds. Board approval of the MOA is necessary because the effective period of the MOA exceeds one year.*

*UASI grants are provided to fund the needs of large urban areas associated with building a sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism.*

**Recommendation:** Board resolve that the Executive Director, or designee, be authorized to execute the MOA between the City of Los Angeles, Office of the Mayor, Homeland Security and Public Safety and the City of Los Angeles Harbor Department

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Port Police

3. Re: TEMPORARY ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION TWO, ITEM 220, PENALTIES FOR VIOLATION

*SUMMARY: Tariff Item 220, Penalties for Violation, will be amended to bring the penalties for Tariff violations into uniformity with the penalty and enforcement scheme of Los Angeles Municipal Code, Section 11.0(m). Currently all tariff items are misdemeanors. Presently, all Port tariff citations must be adjudicated at a hearing where violators must appear in court, even in those cases where they would prefer to pay the fine. This is time consuming for all parties and incurs courtroom costs of approximately \$1,000 per court hour. By working closely with the City Attorney's Office to implement this tariff amendment we will not only be improving the efficiency of the system, but will also be reducing hundreds of thousands of dollars of costs to the city and the taxpayers.*

*The amended item will provide prosecutorial discretion and judicial economy. Violations can be prosecuted as infractions or misdemeanors and citation recipients may opt for a hearing if they choose. Approval of this item will allow Port Police Officers to issue "Notices to Appear" for violations of the Tariff that could be prosecuted as infractions. If prosecuted as an infraction it will allow citations to be handled in their most efficient manner and prevent those that pay the citation from having a misdemeanor violation on their record. A similar scheme for on the water violations was implemented by the Coast Guard. As a result, significant increases in efficiency and substantial savings resulted from the adoption of the program.*

*The temporary order will be in effect for 90 days. A permanent order will be processed concurrently for approval by the City Council.*

**Recommendation:** Board resolve that (1) a temporary Board Order to amend Section Two, Item 220, Penalties for Violation, to add language and items for misdemeanors and infractions to tariff be adopted; and (2) the Board Secretary be authorized to execute the temporary Board Order and transmit it to the Chief Wharfinger for implementation.

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**4. Re: PERMANENT ORDER AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION TWO, ITEM 220, PENALTIES FOR VIOLATION**

*SUMMARY: Tariff Item 220, Penalties for Violation, will be amended to bring the penalties for tariff violations into uniformity with the penalty and enforcement scheme of Los Angeles Municipal Code, Section 11.0(m). Currently all tariff items are misdemeanors. Presently, all Port Tariff citations must be adjudicated at a hearing where violators must appear in court, even in those cases where they would prefer to pay the fine. This is time consuming for all parties and incurs courtroom costs of approximately \$1,000 per court hour. By working closely with the City Attorney's Office to implement this tariff amendment, we will not only be improving the efficiency of the system, but will also be reducing hundreds of thousands of dollars of costs to the city and the taxpayers.*

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4. (Continued)

**Recommendation:** Board resolve that (1) a permanent Board Order to amend Section Two, Item 220 Penalties for Violation, to add language and items for misdemeanors and infractions to tariff be adopted; (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); and (3) the Board Secretary be authorized to execute the proposed permanent Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

**City Attorney's Office**

5. Re: RESOLUTION ESTABLISHING AN AD-HOC  
COMMITTEE ON GREEN GROWTH

**Recommendation:** Adoption of the subject resolution.

**Commission Office**

6. Re: RESOLUTION SETTING BOARD OF HARBOR  
COMMISSIONERS MEETING SCHEDULE FOR 2008

**Recommendation:** Adoption of the subject resolution.

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Marketing

7. Re: APPROVAL OF FOREIGN-TRADE ZONE (FTZ) OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CHEVRON U.S.A. INC. (CHEVRON)

*SUMMARY: The Port of Los Angeles (Port), as the FTZ grantee, establishes operating agreements with FTZ operators that enable the Port to oversee their FTZ operations. The Port received a request from Chevron to exercise the first option to renew their FTZ Operating Agreement No. 1940 (Agreement No. 1940) at FTZ No. 202, Subzone B, 324 W. El Segundo Boulevard in El Segundo. The site consists of a refining facility and office space on approximately a 1,000-acre parcel where Chevron is handling important and domestic crude oil to the domestic and foreign market.*

*The current agreement with the Port, Agreement No. 1940 became effective on September 1, 1998 and has a ten (10) year term with three (3) five-year renewal options. It is set to expire on August 31, 2008. Several City of Los Angeles Charter agreement provisions were updated during this current contractual period. As a result, rather than exercising the renewal option for Operating Agreement No. 1940, a new proposed agreement was prepared to encompass all agreement provision changes. The new Foreign-Trade Zone Operating Agreement also provides for a term of ten (10) years with three (3) five-year renewal options.*

**Recommendation:** Board resolve that (1) the FTZ Operating Agreement with Chevron U.S.A. Inc. be approved; (2) the Board Secretary be directed to transmit the proposed FTZ Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; and (3) the Executive Director or her designee be authorized to execute and the Board Secretary to attest to the proposed Operator Agreement upon approve by the City Council.

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**Regular Item No. 8**

**Environmental**

8. Re: LOS ANGELES HARBOR DEPARTMENT – FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE BERTH 136-147 [TRAPAC] CONTAINER TERMINAL PROJECT (LAHD ADP NO. 030127-020; SCH NO. 2003104005)

*SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Environmental Impact Report (EIR) for the Berth 136-147 [TraPac] Container Terminal Project in accordance with the California Environmental Quality Act (CEQA), and approve the Proposed Project. The project includes redeveloping and expanding the Berth 136-147 Container Terminal and a 30-year lease for handling containerized cargo at the terminal including constructing a new on-dock rail yard; relocating the Pacific Harbor Line (PHL) Pier A Rail Yard to Rear Berth 200; reconstructing the Harry Bridges Boulevard and constructing the Harry Bridge Boulevard Buffer Area. In approving the project, the Board will need to make specific Findings of Fact regarding the significant environmental impacts of the proposed project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations and adopt a Mitigation Monitoring and Reporting Program to track mitigation. While the project has unavoidable short-term construction and operational air quality impacts, implementation of the project and mitigation measures will result in cutting terminal operational emissions in half by 2015 and reducing health risk in the surrounding communities of Wilmington and San Pedro below baseline conditions. Other project benefits include: construction of a 30-acre landscaped buffer for Wilmington; diverting a portion of cargo from truck to rail on the new on-dock rail yard; providing 2,800 construction jobs; providing approximately 300 longshoreman jobs at maximum build out of the terminal over the no project conditions; a net 5,433 annual operational jobs in the five county region at build out; total annual tax revenues of over \$200 million; and project implementation will fulfill the Tideland's Trust and Coastal Act obligations to modernize and expand the Port to accommodate international cargo demands.*

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8. (Continued)

**Recommendation:** Resolve that (1) the Board certify that the Final EIR for the Berth 136-147 [TraPac] Container Terminal Project (Transmittal 1) has, (a) been completed in compliance with the CEQA as amended, with the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and the Board considered the information contained in the Final EIR prior to approving the project; and (c) reflects the independent judgment and analysis of the LAHD, and that all required procedures have been completed; (2) the attached Findings of Fact and Statement of Overriding Considerations (Transmittal 2) be adopted; (3) the Board find that, in accordance with the information contained in the Final EIR for the Berth 136-147 [TraPac] Container Terminal Project, the project will have significant environmental effects on Air Quality; Biological Resources; Cultural Resources; Geological Resources; Groundwater and Soils; Land Use; Noise; Transportation and Circulation; Public Services and Utilities; Water Quality, Sediments and Oceanography; and Cumulative Impacts, as defined by Public Resources Code sections 21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines, Sections 15064, 15064.5, and 15382. The EIR found no significant effects for Aesthetics, Hazards, and Marine Transportation; (4) the Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project which mitigates, where mitigation is required, or avoids the adverse environmental impacts identified in the EIR; (5) Board find that, in accordance with the provisions of the State CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain of the mitigation measures and project alternatives identified in the Final EIR. Impacts to Air Quality; Biological Resources; Geological Resources; Noise; Transportation and Circulation; Water Quality, Sediments and Oceanography; and Cumulative Impacts remain significant and unavoidable even after all feasible mitigation is adopted; (6) the Board find that all information added to the EIR after public notice of the availability of the draft EIR for public review but before certification merely clarifies or amplifies or makes insignificant modifications in an adequate EIR and recirculation

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**8. (Continued)**

is not necessary; (7) the Board find that, in accordance with Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the benefits of the project outweigh the significant and unavoidable environmental impacts of the project, and adopt the Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (8) the Mitigation Monitoring and Reporting Program (MMRP) transmitted herewith (Transmittal 3) as required by Public Resources Code, Section 21081.6 be adopted. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, pursuant to and identifies the responsibilities of the LAHD, as lead agency, to monitor and verify project compliance with those mitigation measures and conditions of project approval; (9) the proposed Project identified in the Final EIR including all feasible mitigation measures set forth in the EIR, with consideration of the Findings of Fact and State of Overriding Considerations, and the MMRP be approved; (10) the Engineering Division be directed to proceed with final design and incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements and MMRP into all Engineering Plans and Specifications and/or Engineering Permits for the proposed project; (11) the Real Estate Division be directed to incorporate by reference the Final EIR, mitigation measures and MMRP into any and all lease agreements or assignments encompassed in the approved project; (12) the Environmental Management Division be authorized to file the Notice of Determination for the subject project with the Los Angeles County Clerk, the Los Angeles City Clerk, and the State Secretary of Resources; and (13) the proposed Order in the form attached as Transmittal 4 be adopted.

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**G. 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 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.