

**AGENDA OF THE SPECIAL MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1  
THURSDAY, AUGUST 13, 2009 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**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. REPORT OF THE EXECUTIVE DIRECTOR**

“Update on Southern California Marine Institute (SCMI) Visioning Study for City Dock No. 1”.

**D. REPORT OF THE COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. PRESENTATION**

Retiring Co-Chair of PCAC, Jayme Wilson – Review of PCAC Accomplishments during his tenure.

**G. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the regular meetings of the Los Angeles Board of Harbor Commissioners of April 2, 2009 and May 7, 2009, and special meeting April 16, 2009, for approval.

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H. REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 16)

Planning & Research

1. Re: RESOLUTION NO. \_\_\_\_\_ - FOR THE ADOPTION OF THE COASTAL COMMISSION'S CERTIFICATION OF PORT MASTER PLAN AMENDMENT NO. 24 – PORT OF LOS ANGELES CHANNEL DEEPENING PROJECT

*SUMMARY: On July 8, 2009, the California Coastal Commission (Coastal Commission) certified the Port of Los Angeles Master Plan Amendment No. 24 (Amendment No. 24) as submitted for the Port of Los Angeles Channel Deepening Project (Channel Deepening Project) and disposal of approximately three million cubic yards of material at various disposal sites within the Port of Los Angeles. 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. 24; (2) authorize Los Angeles Harbor Department (Harbor Department) staff to inform the Coastal Commission of the Board's action; and (3) adopt Resolution No. \_\_\_\_\_.

2. Re: RESOLUTION NO. \_\_\_\_\_ - FOR THE APPROVAL OF CHANGES TO THE MEMBERSHIP OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE

*SUMMARY: As required by the Port of Los Angeles Community Advisory Committee (PCAC) By-laws, the Board of Harbor Commissioners (Board) is being asked to approve changes in the PCAC membership for the San Pedro and Peninsula Homeowners Coalition.*

**Recommendation:** Board resolve to (1) approve Kathleen Woodfield as the San Pedro and Peninsula Homeowners Coalition voting member; and (2) adopt Resolution No. \_\_\_\_\_.

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Environmental

3. Re: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO THE BATIQUITOS INTERAGENCY MITIGATION AGREEMENT TO MODIFY THE MAINTENANCE RESPONSIBILITY OF BATIQUITOS LAGOON

*SUMMARY: In 1987, the City of Los Angeles Harbor Department (Harbor Department) entered into an interagency mitigation agreement (Agreement) to carry out the restoration of Batiquitos Lagoon. This First Amendment to the Batiquitos Interagency Mitigation Agreement is being proposed to transfer the maintenance responsibility of the lagoon from the California Department of Fish and Game to another entity acceptable to a steering committee comprising U.S. Fish and Wildlife Service, the California Department of Fish and Game (CDFG) and National Marine Fisheries Service, which are signatories to the Agreement. The First Amendment also allows early transfer of funds from the long-term investment account in the Los Angeles City Treasury to the maintenance account presently held by CDFG. The First Amendment will not change any Harbor Department fiscal responsibilities or requirements under the Agreement.*

**Recommendation:** Board resolve to (1) approve the First Amendment (Transmittal 1) to the Batiquitos Interagency Mitigation Agreement to modify the maintenance responsibilities of Batiquitos Lagoon; (2) authorize the Executive Director to act on behalf of the Board in reviewing, approving and affecting the transfer of funds from the Investment Account to the Maintenance Account as provided in the First Amendment; (3) authorize the Executive Director and the Board Secretary to execute and attest to said First Amendment for and on behalf of the Board; and (4) adopt Resolution No. \_\_\_\_\_.

4. Re: RESOLUTION NO. \_\_\_\_\_ - AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 COOPERATIVE AGREEMENT WITH THE ENVIRONMENTAL PROTECTION AGENCY

*SUMMARY: On April 10, 2009 the Los Angeles Board of Harbor Commissioners (Board) authorized staff to apply for grant funding from the American Recovery and Reinvestment Act of 2009 (Recovery Act). Five applications were submitted under the Diesel Emissions Reduction Act (DERA) Program. One of the applications, the Port of Los Angeles Diesel Emissions Reduction Projects for Equipment and Vessels, was selected for funding by the U.S. Environmental Protection Agency (EPA),*

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4. (Continued)

*which administers the DERA Program. The application requested \$6.1 million to assist the Los Angeles Harbor Department (Harbor Department) and Port of Los Angeles (Port) tenants in funding 80 separate replacement, retrofit, and repower projects. Due to the highly competitive nature of the grants, the Harbor Department was awarded a partial award of up to \$2 million. With guidance from the EPA, the application was reduced to 27 projects to match the award. In order to receive and administer the award, the Harbor Department is required to enter into a Cooperative Agreement with EPA.*

**Recommendation:** Board resolve to (1) approve the American Recovery and Reinvestment Act of 2009 Cooperative Agreement between the United States Environmental Protection Agency and the Harbor Department; (2) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board; and (3) adopt Resolution No. \_\_\_\_\_.

**Accounting**

5. Re: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO EXECUTIVE DIRECTOR AGREEMENT NO. E6472 TO COMPLETE THE AUTOMATION AND IMPLEMENTATION OF THE TIME AND ATTENDANCE (TIMEKEEPING) SYSTEM FOR HARBOR DEPARTMENT

***SUMMARY:*** *This request is to approve a First Amendment to Executive Director Agreement No. E6472 with Hess & Associates, Inc. (HAI), 17853 Santiago Blvd, # 107-506, Villa Park, CA 92861, to extend the term by six months, from twelve to eighteen months, to complete the automation and implementation of the City of Los Angeles, Harbor Department time and attendance (timekeeping) system, also known as HDtime (Harbor Department time). The scope of the work remains unchanged and no additional funding is required through this First Amendment. Once approved, the contract will be extended from its current expiration date of August 21, 2009 to February 21, 2010.*

**Recommendation:** Board resolve to (1) approve the First Amendment to Agreement No. E6472 to extend the term by six months to complete the automation and implementation of the HDtime system, and all related tasks as specified in said Agreement; (2) authorize the Executive Director or designee to execute the First Amendment to the Executive Director Agreement No. E6472; and (3) adopt Resolution No. \_\_\_\_\_.

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Information Technology

6. Re: RESOLUTION NO. \_\_\_\_\_ - SECOND AMENDMENT TO AGREEMENT NO. 2420 WITH INTERNATIONAL BUSINESS MACHINES CORPORATION FOR DISASTER RECOVERY SERVICES

***SUMMARY: This request is to approve a Second Amendment to Agreement No. 2420 with International Business Machines Corp. (IBM) for the continuance of disaster recovery services required at the Harbor Department (Department). The services provided by IBM are consistent with a disaster recovery process that provides alternate recovery sites and computer equipment necessary for the recovery of critical computing systems if the Department's computer systems were rendered inoperable or in accessible during a disaster. This Second Amendment is required to maintain the Department's information technology services in the event of a disaster until the Department completes a new RFP or the City of Los Angeles (City) has an approved contract available for these services. The Department has been coordinating with other City departments to procure a contract that would satisfy multiple departments' disaster recovery requirements; however, the process has been delayed. Staff now recommends approval of a Second Amendment to Agreement No. 2420, which increases the total funding authority from \$300,000 to \$660,000 for services within the same scope of work and extends the term of the Agreement by an additional three years.***

**Recommendation: Board resolve to (1) find that in accordance with the Los Angeles City Charter Section 1022, work under the subject Agreement (provision of disaster recovery facilities and equipment for the recovery of computer systems) can be performed more feasibly by independent contractors than by City employees; (2) approve the Second Amendment to Agreement No. 2420 between the City of Los Angeles and IBM to increase the not-to-exceed amount from \$300,000 to \$660,000 for disaster recovery services, and to extend the term from four years to a maximum of seven years; (3) authorize the Executive Director and Board Secretary to execute and attest to the Second Amendment; and (4) adopt Resolution No. \_\_\_\_\_ .**

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Information Technology and Port Police

7. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH NORTH SOUTH GIS TO CONDUCT A PORT POLICE AND ENTERPRISE GEOGRAPHIC INFORMATION SYSTEM PROJECT

***SUMMARY: The Information Technology and Port Police Divisions request that the Board of Harbor Commissioners award an agreement to North South GIS to conduct a Port Police and Enterprise Geographic Information System (GIS) project at an amount not to exceed \$1,721,210. This request will allow the Harbor Department (Department) to consolidate and create an accurate database and mapping system for public safety purposes. The term of the agreement is two years with the option to extend it one additional year.***

***The Department was awarded funds under the 2007 California State Proposition 1B Program to conduct a GIS project for geographic tracking of Port Police assets and resources - the Automated Law Enforcement Resource Tracking System (ALERTS). In order to meet the objectives of this grant funded project, a Department-wide (Enterprise) GIS is required. Therefore, Port Police partnered with the Engineering, Planning and Research, and Information Technology Divisions to seek proposals from qualified firms to conduct a Port Police and Enterprise GIS project. Through a competitive selection process, North South GIS was selected as the best qualified firm to conduct this project.***

***North South GIS is a qualified Small Business Enterprise (SBE); therefore, 100% of this agreement will apply towards the Department's SBE objectives. This project contributes to the overall achievement of the Port Wide Security Plan and the Department's Information Technology Strategic Plan.***

**Recommendation: Board resolve to (1) find that in accordance with Los Angeles City Charter Section 1022, the use of independent contractors is determined to be more feasible; (2) approve the agreement with North South GIS to conduct a Port Police and Enterprise GIS project of an amount not to exceed \$1,721,210 with an expiration term of two years from the date of execution, with the option to renew the agreement for one additional year at the discretion of the Executive Director (see 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. \_\_\_\_\_.**

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Marketing Division

8. Re: THIRD TEMPORARY ORDER NO. \_\_\_\_\_ - ESTABLISHING PORT OF LOS ANGELES TARIFF NO. 4, SECTION TWENTY-THREE "INTERMODAL CONTAINERS - GENERAL RULES AND REGULATIONS"

*SUMMARY: At the February 19, 2009 Los Angeles Board of Harbor Commissioners (Board) meeting, the Board approved a Temporary and Permanent Order amending Port of Los Angeles Tariff No. 4 (Tariff No. 4) to establish the "Intermodal Container Discount Program" or "IPI Program". The IPI Program discounts by 10 percent the sums eligible Container Terminal Tenants (Terminal Tenants) that possess existing contracts with the Los Angeles Harbor Department (Harbor Department) would be required to pay between January 1, 2009 and December 31, 2009, on intermodal cargo.*

*At the June 4, 2009 Board meeting a Second Temporary Order was approved to allow more time for this item to pass through City Council (Council). Council unanimously approved the Permanent Order and Ordinance on July 8, 2009. However, due to a document routing error, the correct Ordinance was not attached to the Permanent Order the Council approved. Therefore, a Third Temporary Order is proposed to allow additional time to correct this matter. This Third 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 Third Temporary Order establishing Port of Los Angeles Tariff No. 4, Section Twenty-Three, entitled "Intermodal Containers – General Rules and Regulations"; and (2) authorize the Board Secretary to certify to the adoption of the Order by the Board of Harbor Commissioners 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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9. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF SECOND AMENDMENT FOR FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT NO. 2308 BETWEEN THE CITY OF LOS ANGELES AND NYK LOGISTICS (AMERICAS) INC., FTZ 202 SITE 9B

**SUMMARY:** *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes General Purpose Operating Agreements (FTZ Operating Agreement) with FTZ operators in order to enable the Harbor Department to oversee their FTZ operations. The Harbor Department currently has Operating Agreement No. 2308 in place with New Wave Logistics (USA), Inc., for FTZ 202 Site 9B located in Torrance, California. The FTZ Operating Agreement became effective on April 1, 2004, and expired on March 31, 2009 with three, five year extensions. The Harbor Department received a request from the company formerly known as New Wave Logistics (USA), Inc. to exercise their renewal option to extend their FTZ Operating Agreement and also change the company name to NYK Logistics (Americas), Inc. (NYK). This site includes approximately 675,000 square feet in warehouse and office space on 46.79 acres. NYK will be operating their warehouses under FTZ operation rules and the FTZ Operating Agreement will provide a term of five years with two, five year renewal options.*

**Recommendation:** Board resolve to (1) approve the subject Second Amendment for FTZ Operating Agreement between the City of Los Angeles and NYK; (2) authorize and direct the Board Secretary to transmit the proposed Second Amendment to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) upon approval by the City Council, authorize the Executive Director to execute and the Board Secretary to attest to the proposed Second Amendment; and (4) adopt Resolution No. \_\_\_\_\_.

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10. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL FOR EXPANSION OF FOREIGN-TRADE ZONE NO. 202 SITE 25 FOR LAXFUEL CORPORATION

***SUMMARY:*** *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, is required to manage its zone and justify acreage within the zone to the FTZ Board. The Harbor Department received an Expansion Application (Application) from LAXFUEL Corporation (LAXFUEL) to expand FTZ No. 202 Site 25 to include jet fuel facilities for the storage and delivery of jet fuel servicing the Los Angeles International Airport (LAX). The Application consists of various liquid bulk terminals in the Port of Los Angeles (Port) and refineries, storage tanks, and pipelines which are not on Port property, totaling approximately 710.8 acres. The Harbor Department will request that the FTZ Board authorize an additional 710.8 acres. Upon approval of this proposed expansion, FTZ No. 202 will be increased to 25 sites totaling 5,610.17 acres.*

**Recommendation:** Board resolve to (1) approve the subject resolution for the Application; (2) upon approval by the Board of Harbor Commissioners, authorize the Executive Director to execute and the Board Secretary to attest to the proposed resolution for expansion of FTZ No. 202; (3) authorize and direct the Executive Director to execute and submit the Application to the FTZ Board; and (4) adopt Resolution No. \_\_\_\_\_.

Homeland Security

11. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE PORT OF LOS ANGELES AND SHORE TERMINALS LLC FOR THE USE OF PORT SECURITY GRANT PROGRAM (PSGP) FUNDS FOR IMPLEMENTATION OF THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL FIELD TEST PROGRAM (PSGP 2006-GB-T6-0100)

***SUMMARY:*** *The City of Los Angeles Harbor Department (Harbor Department) is seeking to enter into a Memorandum of Understanding (MOU) with Shore Terminals LLC doing business as NuStar Energy LP (Tenant) to participate in the implementation of the Transportation Worker Identification Credential (TWIC) Field Test. The MOU is required in order to memorialize the understanding between the Harbor Department and Tenant with respect to transferring Port Security Grant Program funds from the Harbor Department to Tenant.*

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*Tenant will procure and install TWIC compatible access control hardware and software using funds awarded to the Harbor Department by the U.S. Department of Homeland Security (DHS) in September 2006. Tenant will submit invoices to the Harbor Department and the Harbor Department will reimburse them from the money previously allocated through Round Six of the Port Security Grant Program (PSGP). The Harbor Department will be fully reimbursed for all funds incurred through this Program.*

*This Field Test is being conducted in conjunction with the Transportation Security Administration (TSA) to test the performance of TWIC card reader systems and to observe the impact of the TWIC program on marine terminal operations. The data obtained by the Field Test will be used by TSA to aid in the development of future TWIC rulemaking.*

**Recommendation:** Board resolve to (1) approve the proposed Memorandum of Understanding between the Harbor Department and Tenant; and (2) authorize the Executive Director to execute, and the Board Secretary to attest to, the proposed MOU.

**Real Estate Division**

12. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED MEMORANDUM OF UNDERSTANDING WITH PACIFIC L.A. MARINE TERMINAL LLC

***SUMMARY:*** *Pacific L.A. Marine Terminal LLC (PLAMT) is proposing to use portions of Pier 400, Mormon Island, and Terminal Island, to develop and operate a marine oil terminal primarily to be used for import of crude oil. Currently, Los Angeles Harbor Department (Harbor Department) staff is in negotiations with PLAMT to develop a long-term lease for its use and occupancy of these areas. Due to the level of investment PLAMT has made and plans on making in this project, it is requesting a Memorandum of Understanding (MOU) with the Harbor Department to establish an exclusive negotiating period regarding the proposed lease.*

**Recommendation:** Board resolve to (1) approve the MOU with PLAMT; (2) authorize the Executive Director to execute the MOU with PLAMT; and (3) adopt Resolution No. \_\_\_\_\_.

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**13. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED THIRD  
AMENDMENT TO PERMIT NO. 733 WITH EAGLE MARINE  
SERVICES**

***SUMMARY: Board Order No. 09-7000, adopted June 18, 2009, exempts terminal operators from items 520 and 550-033 of the Port of Los Angeles (POLA) Tariff No. 4 (Tariff), Section Five, "Transferred Merchandise – Wharfage" for a period of one year commencing July 1, 2009, and ending June 30, 2010. In addition, the exemption allows an increase in the number of exempt waterborne containers from 200 to 500 per week and requires terminal operators to provide the Los Angeles Harbor Department (Harbor Department) the number of containers to be considered under this exemption. Permit No. 733 (Permit) with Eagle Marine Services (EMS) does not allow subsequent POLA Tariff amendments to affect the terms of the Permit. In order to allow this exemption to apply to EMS's Permit, a Third Amendment to the Permit is required. The proposed Third Amendment will allow EMS to enjoy identical relief as provided by the POLA Tariff amendment.***

**Recommendation: Board resolve to (1) approve the Third Amendment to the Permit, which allows an exemption on wharfage on "Transfer Merchandise – Wharfage" for the period of July 1, 2009 through June 30, 2010. All other terms and conditions of the Agreement, as previously amended, shall remain unchanged and unaffected by this Third Amendment; (2) direct the Board Secretary to transmit the Third Amendment to the City Council for approval pursuant to City Charter 653(a); (3) authorize the Executive Director to execute and the Board Secretary to attest to the Third Amendment upon approval by City Council; and (4) adopt Resolution No. \_\_\_\_\_.**

**14. Re: ORDER NO. \_\_\_\_\_ - PROPOSED COMPENSATION  
SETTING UNDER PERMIT NO. 560 WITH VOPAK TERMINAL  
LOS ANGELES, INC.**

***SUMMARY: Permit No. 560 (Permit) grants Vopak Terminal Los Angeles, Inc. (Vopak) use of Los Angeles Harbor Department (Harbor Department) property for the operation of a marine liquid bulk terminal. Vopak currently occupies a total of 34.68 acres (20.64 acres east of the Dominguez Channel in Wilmington and 14.04 acres on the waterfront in Wilmington) as depicted on the attached maps (Transmittal 2). The Permit is for a term of 30 years commencing August 30, 1993. The Permit requires that compensation be reset every five years. Compensation is comprised of annual land rent, subject to reset, and all applicable charges pursuant to Tariff No. 4. The current annual land rent is \$2,089,052. It is now necessary to reset annual land rent for the five-year period from August 30, 2008 through August 29, 2013. This action only allows for***

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*resetting of compensation, as provided in the Permit, and is not an opportunity to implement measures referenced in the Clean Air Action Plan.*

**Recommendation:** Board resolve to (1) approve the Order setting compensation with Vopak under Permit No. 560 for the five-year period commencing August 30, 2008 through August 29, 2013 as follows: Year 1, \$2,715,768; Year 2, \$2,820,220; Year 3, \$3,030,508; Year 4, \$3,121,424; and Year 5, \$3,215,064. Additionally, Vopak pays all applicable charges under Tariff No. 4 for use of its wharf premises; (2) authorize the Board Secretary to attest to the Order setting compensation to be paid by Vopak pursuant to Permit No. 560; and (3) adopt Order No. \_\_\_\_\_.

15. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED PERMIT NO. 884  
WITH SAN PEDRO FISH MARKETS, BERTH 78, PORTS O'  
CALL VILLAGE

***SUMMARY:*** *Currently, San Pedro Fish Markets (SPFM) is occupying Los Angeles Harbor Department (Harbor Department) premises under Permit No. 387 at Berth 78 in the Ports O' Call Village. Permit No. 387 was for a term of 30 years, expiring March 16, 2009, and is now on holdover status. It is now recommended that the Harbor Department enter into a new short-term successor permit, proposed Permit No. 884, that would allow SPFM to continue operating at its current premises for retail and wholesale fresh fish sales, fast food sale of seafood products and beverages, restaurant and banquet service with full bar, and sale of store-branded merchandise. Proposed Permit No. 884 with SPFM is for a term of five years.*

**Recommendation:** Board resolve to (1) approve the proposed Permit No. 884 with SPFM; (2) direct the Board Secretary to transmit the proposed Permit No. 884 to City Council pursuant to Charter Section 606; (3) authorize the Executive Director to execute and the Board Secretary to attest to the proposed Permit No. 884 upon approval by City Council; and (4) adopt Resolution No. \_\_\_\_\_.

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Contracts & Purchasing

16. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF PROCUREMENT CONTRACTS TO MEET THE HARBOR DEPARTMENT'S ANNUAL REQUIREMENTS FOR MATERIALS, SUPPLIES AND SERVICES

**SUMMARY:** *The Contracts & Purchasing Division (CPD) is requesting approval for its annual requirement procurement contracts in the total amount of \$5,581,170. The existing contracts currently have various expiration dates based on award. Los Angeles Board of Harbor Commissioners (Board) authorization will provide approval for a period of one year per contract for each commodity, plus two one-year options, for a maximum of up to three years total. These contracts (per commodity) are set up on an annual basis to provide materials and services required for Harbor Department (Department) operations, such as tires, batteries, paint, repair services, electrical supplies, fuels, various parts, services, and materials required for Department operations. For maximum staff efficiency and cost savings, it is preferable to set up these contracts for multiple years to maintain continuity and availability of required materials and services. In the past, these contracts were set up each year as one-year contracts for each commodity. Due to the staff work required to handle these each year and the need to have approval by the Board for multiple year contracts, it was decided to bundle these small dollar contracts into one Board action for ease and efficiency; thereby, freeing up staff time for other priorities. A complete list of the annual contracts by commodity being approved is included as Transmittal No. 1.*

**Recommendation:** Board resolve to (1) approve the annual contracts by commodity listed in Transmittal No. 1, substantially in the form as submitted in Transmittal Nos. 2 and 3 as appropriate, for a period of up to three years each to meet the Harbor Department's annual requirements for materials, supplies and services; and (2) authorize the Executive Director or designee to execute the contracts substantially in the form as submitted in Transmittal No. 2 or No. 3 as appropriate, and each of two one-year renewal options, for a total of three years for each contract, if so desired; and (3) adopt Resolution No. \_\_\_\_\_.

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REGULAR ITEMS (17- 22)

Engineering Division

17. Re: RESOLUTION NO. \_\_\_\_\_ - SUPPLEMENTAL AGREEMENT NO. 2 - CHANGE ORDER NO. 13 HARBOR ADMINISTRATION BUILDING LOBBY SECURITY WORK PROJECT NO. 2 – PORT OF LOS ANGELES FACILITY SECURITY ENHANCEMENTS PROJECT

*SUMMARY: Approval is requested for Supplemental Agreement No. 2 (Transmittal No. 2) and Change Order No. 13 (Transmittal No. 3) of design-build Agreement No. 2498 between the City of Los Angeles (City) and Adesta Limited Partnership (Adesta), 20775 S. Western Avenue, Torrance, California 90501. Supplemental Agreement No. 2 and Change Order No. 13 will increase the contract amount by \$850,000. Change Order No. 13 will fund the design and installation of security equipment at the Harbor Administration Building (HAB) lobby and integration of this equipment into the existing port-wide security system as part of a HAB Lobby security upgrade project. The \$850,000 will increase the Adesta contract cost from \$8,841,994 (Supplemental Agreement No. 1 \$8,494,851 plus Authorities for Adjustments to date of \$347,143) to the new total of \$9,691,994 (Transmittal No. 1). Up to this point, \$7,519,400 has been expended on this project.*

**Recommendation:** Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under this Supplemental Agreement can be performed more economically or feasibly by Adesta Limited Partnership (current project design-builder) rather than by City employees; (2) find that in accordance with Los Angeles Administrative Code Section 10.15(a)(10), competitive bidding for the work under this Change Order would be impractical, impossible, or would work an incongruity, be unavailing or not produce an advantage; (3) approve Change Order No. 13 to Agreement No. 2498 with Adesta Limited Partnership increasing the contract cost by a not-to-exceed amount of \$850,000; (4) approve Supplemental Agreement No. 2 to Agreement No. 2498 with Adesta Limited Partnership bringing total compensation to the not-to-exceed amount of \$9,691,994; (5) authorize the Executive Director to execute and the Board Secretary to attest to said Change Order, and Supplemental Agreement for and on behalf of the Board; and (6) adopt the attached Order approving Supplemental Agreement No. 2 to Agreement No. 2498 with Adesta Limited Partnership.

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18. Re: RESOLUTION NO. \_\_\_\_\_ - SUPPLEMENTAL AGREEMENT NO. 3 - CHANGE ORDER NO. 14 ADDITIONAL CONTRACT TIME FOR HARBOR ADMINISTRATION BUILDING LOBBY SECURITY WORK PROJECT NO. 2 – PORT OF LOS ANGELES FACILITY SECURITY ENHANCEMENTS PROJECT

*SUMMARY: Approval is requested for Supplemental Agreement No. 3 (Transmittal No. 2) and Change Order No. 14 (Transmittal No. 3) of design-build Agreement No. 2498 between the City of Los Angeles (City) and Adesta Limited Partnership (Adesta), 20775 S. Western Avenue, Torrance, CA 90501. Supplemental Agreement No. 3 and Change Order No. 14 will increase the contract time by 365 calendar days from the current expiration date of February 25, 2010 to February 26, 2011 (Transmittal No. 1). This time extension, when approved by the Board of Harbor Commissioners (Board) and City Council, will provide the additional time necessary to design, construct and install permanent security upgrades to the Harbor Administration Building (HAB) lobby and integrate these upgrades into the existing port-wide security system. The major work elements include: design-build and installation of specialized security equipment, and integration of new equipment into the existing capabilities. Added costs of this lobby upgrade are covered under a separate Board action by Supplemental Agreement No. 2, Change Order No. 13. City forces will complete the construction work associated with this lobby upgrade, other than specialty security components under Change Order No. 13, all of which is fully reimbursable through State grant funding.*

**Recommendation:** Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under Supplemental Agreement No. 3 can be performed more economically or feasibly by Adesta Limited Partnership (current project design-builder) rather than by City employees; (2) approve Supplemental Agreement No. 3 and Change Order No. 14 to Agreement No. 2498 with Adesta Limited Partnership increasing the contract time by 365 calendar days; (3) authorize and direct the Board Secretary to forward the Agreement to the City Council for its approval pursuant to Section 373 of the City Charter; (4) authorize the Executive Director to execute and the Board Secretary to attest to this Agreement for and on behalf of the Board; and (5) adopt Resolution No.

\_\_\_\_\_.

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**Real Estate Division**

19. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED DECLARATION OF SURPLUS AND OFFER TO SELL LOS ANGELES HARBOR DEPARTMENT-OWNED PROPERTY LOCATED AT 250 W. 5<sup>TH</sup> STREET IN SAN PEDRO

**SUMMARY:** The Los Angeles Harbor Department (Harbor Department) owns property located at 250 W. 5<sup>th</sup> Street in San Pedro, California. The property is no longer needed to further the Tidelands Trust purpose of maritime commerce, navigation, and fishery. On December 4, 2007, the property was leased to the Port of Los Angeles High School (POLAHS) under Lease No. 867 (Lease). Section 12 of the Lease allows the sale of the property to POLAHS upon written notice from Tenant or any successful bidder in accordance with California Government Code Section 54220, the Los Angeles City Charter, and Los Angeles Administrative Code, Division 7, Article IV. Having received notice from POLAHS, the Harbor Department desires to find and declare the property as surplus and offer it for sale to POLAHS.

**Recommendation:** Board resolve to (1) find and declare that the property is surplus and offer to sell the property located at 250 W. 5<sup>th</sup> Street, commonly known as the POLAHS; (2) direct staff to comply with Administrative Code and Government Code requirements for the declaration and sale of surplus property; (3) direct staff to return to the Board of Harbor Commissioners (Board) with a purchase and sale agreement when one is negotiated; (4) authorize the expenditure of \$50,000 to cover any cost associated with the sale of said property that includes escrow fees, appraisal, recordation, etc.; and (5) adopt Resolution No. \_\_\_\_\_.

20. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED FIFTH AMENDMENT TO PERMIT NO. 552 WITH TRAPAC, INC.

**SUMMARY:** *TraPac, Inc. (TraPac) operates a container terminal at Berths 136-139 under Permit No. 552, with allotted space assignments at Berths 142-144. Under the proposed Fifth Amendment to Permit No. 552, the Los Angeles Harbor Department (Harbor Department) would provide TraPac with an incentive credit to offset the fees imposed by the Clean Truck Program (CTP).*

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20. (Continued)

**Recommendation:** Board resolve to (1) approve the Fifth Amendment to Permit No. 552 with TraPac; (2) authorize and direct the Board Secretary to transmit the proposed Fifth Amendment to Permit No. 552 with TraPac to the Los Angeles City Council for approval pursuant to Section 606 of the Charter of the City of Los Angeles; (3) upon approval by the City Council, authorize the Executive Director to execute and the Board Secretary to attest to the proposed Fifth Amendment to Permit No. 552 with TraPac; and (4) adopt Resolution No. \_\_\_\_\_.

21. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED PERMIT NO. 881  
WITH TRAPAC, INC. FOR PREMISES AT BERTHS 136-147

***SUMMARY: TraPac, Inc. (TraPac) currently occupies 88.59 acres of land in Wilmington at Berths 136-139 under Permit No. 552 with allotted space assignments at Berths 142-144 totaling 57.55 acres. Proposed Permit No. 881 (Permit), a successor to TraPac's current lease document (Permit No. 552) would authorize TraPac to undertake cargo-handling operations for a 30-year term at the proposed premises which includes currently occupied and expansion land areas. Approval of the Permit would allow for completion of wharf and backland redevelopment phased over five years from 2009 through 2014. The proposed redevelopment project will expand and modernize the existing facility. Upon project completion, the total leased premises will be 226 acres including over 4,600 linear feet of wharf area.***

***This is a precedent setting event, as approval of the Permit will mark the first time a major container handling terminal tenant in the San Pedro Bay has committed to the environmental mitigation measures consistent with the San Pedro Bay Clean Air Action Plan (CAAP). The proposed Permit requires TraPac to implement various environmental mitigation measures which would significantly lessen the environmental impacts of its terminal operations in compliance with the Berths 136-147 [TraPac] Container Terminal Environmental Impact Report (EIR) and Mitigation Monitoring Reporting Program (MMRP) approved and adopted by the Board of Harbor Commissioners (Board) on December 6, 2007. In addition to CAAP compliance, the Permit will also require TraPac to adhere to a number of environmental measures aimed at reducing greenhouse gas emissions and energy use.***

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21. (Continued)

**Recommendation:** Board resolve to (1) approve Permit No. 881 with TraPac; (2) direct the Board Secretary to transmit the Permit to the City Council for approval pursuant to Charter Section (654)(a)(1) requiring a 4/5 approval of the Board and a 2/3 vote of the City Council; (3) authorize the Executive Director and Board Secretary to execute and attest to the Permit upon Board approval contingent upon approval by the City Council; and (4) adopt Resolution No. \_\_\_\_\_.

Clean Truck Program

22. Re: RESOLUTION NO. \_\_\_\_\_ - ALTERNATIVE FUEL TRUCK PROGRAM:

- (1) AMENDMENT TO PROPOSITION 1B GRANT AGREEMENT BETWEEN THE CALIFORNIA AIR RESOURCES BOARD, AND THE CITIES OF LOS ANGELES AND LONG BEACH;
- (2) MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AND THE CITIES OF LOS ANGELES AND LONG BEACH;
- (3) TERMINATION OF THE PROGRAM AGREEMENT AND GUARANTY BETWEEN THE CITY OF LOS ANGELES AND DAIMLER TRUCK FINANCIAL; AND
- (4) TEMPORARY ORDER NO. \_\_\_\_\_ AND PERMANENT ORDER NO. \_\_\_\_\_ AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 20 – GENERAL RULES AND REGULATIONS – DRAYAGE TRUCKS

**SUMMARY:** *The requested actions for the Board of Harbor Commissioners (Board) are as follows:*

- *Approve an Amendment (Amendment) to the City of Los Angeles Harbor Department's (Harbor Department) Proposition 1B (Prop 1B) Grant Agreement;*
- *Approve a Memorandum of Understanding (MOU) for a special Alternative Fuel Truck Grant Program;*
- *Terminate the Program Agreement and Guaranty with DCFS USA LLC (DCFS);*
- *Modify the definition of "Program Funds," add the definition of "Grant Vanguard Trucks" and provide an exemption from the Clean Truck Fee for the Grant Vanguard Trucks in Tariff No. 4 Section 20.*

*These actions are being taken to continue to advance the Clean Truck Program (CTP). The first two actions would restructure the Ports' Proposition 1B program to reduce the Ports' portion of the program to administration of \$3,550,000 and 71 truck grants, and allow the transfer of*

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22. (Continued)

*remaining Proposition 1B funds to AQMD for administration. This will ensure that we have an efficient process for future administration of Prop 1B grants by taking advantage of the South Coast Air Quality Management District's (AQMD) experience with the administration of state grant programs. In addition to handling all future Prop 1B grants, AQMD would also administer a special Alternative Fuel Truck Grant Program that would provide additional incentive funding, in excess of Prop 1B grants, to qualified alternative fuel drayage truck grant applicants. Due to the proposed restructure of the Prop 1B program, the Harbor Department will not implement the subsidized lease and purchase programs that had been contemplated, but never launched, under the Daimler Truck Financial Program Agreement. Thus, the third action recommends termination of the Harbor Department's Program Agreement and Guaranty with DCFS. The last action recommends modifications to the tariff to clarify that diesel trucks funded with public money other than from the Harbor Department or POLB are exempt from the Clean Truck Fee, and also provide consistency with POLB regarding exemption from the Clean Truck Fee for the first 71 trucks funded under the Prop 1B grant program in the fall of 2008.*

**Recommendation:** Board resolve to (1) approve a form of Amendment to Prop 1B Grant Agreement among the CARB, POLB and the Harbor Department, that reduces the Prop 1B grant and administration to POLB and the Harbor Department, and permits the assignment of the balance of Proposition 1B funds and administration to AQMD (Transmittal 1); (2) approve a MOU among the AQMD, POLB, and Harbor Department that sets forth the terms and conditions of the parties' funding and administrative obligations in connection with the Alternative Fuel Truck Grant Program (Transmittal 2); (3) authorize the allocation of \$12,500,000 in FY 2009-2010 to the Alternative Fuel Truck Grant Program under the MOU, from the funding previously authorized under Resolution No. 09-6743, for the Clean Air Action Plan 2009 Alternative Fuel Truck Incentive Program; (4) approve the termination of the Program Agreement and Guaranty between the Harbor Department and Daimler Truck Financial, a division of DCFS USA LLC (DCFS); (5) approve an Amendment to modify Items 2000 and 2030 in Port of Los Angeles Tariff No. 4 Section 20, Clean Air Action Plan - General Rules and Regulations, subject to California Association of Port Authorities (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 (Transmittal 3); (6) adopt Temporary Order No. 09-\_\_\_\_\_ and Permanent Order No. 09-\_\_\_\_\_ to amend Item 2000 and 2030 in Port of Los Angeles Tariff No. 4 Section 20, Clean Air Action Plan - General Rules

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**22. (Continued)**

and Regulations (Transmittals 4 and 5); (7) authorize the Board Secretary to certify to the adoption of the Temporary Order by the Board of Harbor Commissioners 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); (8) direct the Board Secretary to transmit to the City Council for approval the Permanent Order (Transmittal 5) and Ordinance (Transmittal 6) approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); (9) authorize the Board Secretary to execute the Temporary Order, Permanent 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 Harbor Department's website as regulated by the Federal Maritime Commission; and (10) adopt the Resolution No. 09-\_\_\_\_\_.

**I. 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: Federal Maritime Commission v. City of Los Angeles, et al., Order of Investigation and Hearing, Docket No. 08-05, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
3. Discussion of pending litigation entitled: Federal Maritime Commission v. City of Los Angeles, et al., United States District Court Case No. 1:08-CV-01895-RJL, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
4. 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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- I. **CLOSED SESSION** (Continued)
5. Discussion of pending litigation entitled: **Porfirio Blas v. City of Los Angeles**, Workers' Compensation Litigation Case No. ADJ642629, pursuant to subdivision (a) of Section 54956.9 of the California Government Code.
6. Discussion of significant exposure to litigation relating to the claim presented by Halcrow, Inc. for compensation, pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.
7. Instructions to negotiators relating to Permit No. 768 with Catalina Channel Express, Inc., pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Catalina Channel Express, Inc. will be Greg Bombard. The negotiator for the Port of Los Angeles will be Michael Galvin.
8. Instructions to negotiators relating to Agreement No. 2268 with Crescent Warehouse, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for Crescent Warehouse will be Don Kee. The negotiator for the Port of Los Angeles will be Michael Galvin.