

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, DECEMBER 4, 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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

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

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

G. REPORTS OF THE EXECUTIVE DIRECTOR

Consent Items (1-3)

Commission Office

1. Re: RESOLUTION NO. _____ - TO APPROVE THE
BOARD OF HARBOR COMMISSIONERS 2009
REGULAR MEETING CALENDAR

SUMMARY:

Recommendation: Adoption of the subject Resolution approving the 2009 Board meeting calendar.

Planning & Research Division

2. Re: RESOLUTION NO. _____ FOR 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 Central San Pedro Neighborhood Council.*

Recommendation: Board resolve that (1) Carrie Scoville, as the Central San Pedro Neighborhood Council voting member, and Reverend Oliver Buie, as the alternate member be approved; and (2) Resolution No. _____ be adopted.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

Contracts & Purchasing

3. Re: RESOLUTION NO. _____ - AGREEMENT
BETWEEN THE CITY OF LOS ANGELES HARBOR
DEPARTMENT AND TAYLOR'S MARKETING
MANAGEMENT TO PROVIDE CONTRACTOR
DATABASE SOFTWARE SUPPORT SERVICES

SUMMARY: The proposed three-year Agreement with Taylor's Marketing & Management (TMM), 8927 South Harvard Boulevard, Los Angeles, California 90047-3614, provides software support services required for maximum utilization of DiveristyXchange, a web-based contractor database, monitoring and reporting system used to track the Department's contracting activities. This database allows contractors to register and be notified of upcoming opportunities, and supports the Department's efforts to create a diverse contracting pool. The Information Technology Division (ITD) will administer the Agreement and work with TMM to place the source code into escrow, negotiate the purchase of the software, and transition all software development and maintenance into ITD. Software support services are required to be performed by TMM until the transition to ITD is complete.

Recommendation: Resolve that (1) the Board find that the services to be provided under the subject Agreement can be performed in a more efficient and cost-effective manner by TMM; (2) the Agreement between TMM and the Harbor Department for one year, with two one-year options, in the amount of \$95,000 for each year, for a total amount not-to-exceed \$285,000 for the three-year period be approved; (3) the Executive Director be authorized to execute the Agreement, and each one-year option, if required; and (4) Resolution No. _____ be adopted.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

Regular Item No. 4

Environmental Management Division

4. Re: **RESOLUTION NO. – FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PAN-PACIFIC FISHERIES CANNERY BUILDINGS DEMOLITION PROJECT (LAHD ADP No. 030730-132; SCH No. 2005101029)**

SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify that Final Environmental Impact Report for the Pan-Pacific Fisheries Cannery Building Demolition Project in accordance with the California Environmental Quality Act (CEQA), and approve the proposed project. The proposed project includes removing equipment and machinery from the buildings, asbestos and lead-based paint abatement, building and foundation demolition, grading and paving of the site, and securing the site with a chain link fence. In approving the proposed 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. The proposed project would result in a significant unavoidable impact to historical resources since the Pan-Pacific Fisheries cannery is eligible for federal and state listing as a historic structure. While the proposed project would result in the loss of the historic structures, demolition of the buildings would reduce safety hazards associated with the dilapidated buildings (e.g. fire hazard) and eliminate buildings that currently attract criminal activity to the Project site, which results in increase Port of Los Angeles (Port) surveillance activities.

Recommendation: Resolve that (1) the Board certify that the Final Environmental Impact Report (EIR) for the Pan-Pacific Fisheries Cannery Buildings Demolition Project (Transmittal 1) (a) has been completed in compliance with the California Environmental Quality Act (CEQA) of 1970 as amended, the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board of Harbor

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

4. (Continued)

Commissioners 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 Los Angeles Harbor Department, 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 Pan-Pacific Fisheries Cannery Buildings Demolition Project, the project will have significant environmental effects only on Cultural Resources as defined by the Public Resources Code, Sections 21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines, Sections 15064, 15064.5, and 15382; (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 where mitigation is required, or avoids the adverse environmental impacts identified in the EIR; (5) the 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. Direct and cumulative impacts to cultural resources 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 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 the Findings of Fact and Statement of Overriding Considerations (Transmittal 2) be adopted; (8) the Mitigation Monitoring and Reporting Program (MMRP) transmitted herewith (Transmittal 3) as required by Public Resources Code,

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

4. (Continued)

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 Los Angeles Harbor Department, 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 EIR including all feasible mitigation measures set forth in the EIR, with consideration of the Findings of Fact and Statement 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 mitigation monitoring/reporting plan into all Engineering Plans and Specifications and/or Engineering Permits for the proposed Project; (11) the Construction Division be directed to incorporate all applicable environmental control/mitigation measures in project award including contractor preparation of an environmental compliance plan for Department review; and (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) these Recommendations under Resolution No. _____ be adopted.

H. DEPUTY EXECUTIVE DIRECTOR REPORT

Deputy Executive Director Molly Campbell.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, DECEMBER 4, 2008, AT 6:00 P.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

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 the United States Court of Appeals for the Ninth Circuit Case No. 08-56503, pursuant to subdivision (a) 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 with legal counsel concerning significant exposure to litigation [three (3) potential cases], pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code.**
- 5. Instructions to negotiators relating to lease negotiations with TraPac, Inc. concerning a terminal permit for Berths 136-147, pursuant to Section 54956.8 of the California Government Code. Instructions to negotiators will concern price and terms of payment. The negotiator for TraPac, Inc. will be Frank Pisano. The negotiators for the Port of Los Angeles will be Kathryn McDermott and Michael Galvin.**