

**REVISED**  
**AGENDA OF THE SPECIAL MEETING OF THE**  
**LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1**  
**THURSDAY, JULY 22, 2010 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. EXECUTIVE DIRECTOR REMARKS

D. REPORTS OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

I-710 Committee Report, Vice President Jerilyn López Mendoza

F. PRESENTATIONS

Project Labor Agreement (PLA) – Negotiations Status Report,  
Deputy Executive Director, Mike Christensen

Oil Spill Response Plan

Proposed Revocable Permits with Rancho LPG Holdings  
(Amerigas), Deputy Executive Director Kathryn McDermott

G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 8)

Office of the City Attorney

1. Re: RESOLUTION NO. \_\_\_\_\_ - FOURTH AMENDMENT TO  
AGREEMENT NO. 2441 WITH STANZLER FUNDERBURK &  
CASTELLON LLP

***SUMMARY: The City Attorney requests approval of a Fourth Amendment to Agreement No. 2441 with Stanzler Funderburk & Castellon LLP. The Amendment will extend the term of the Agreement by eighteen months to accommodate continuing litigation delays in the case of City of Los Angeles v. Kinder Morgan Energy Partners, et al. and will assign the Agreement to the reconstituted firm known as Castellon & Funderburk LLP.***

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1. (Continued)

**Recommendation:** Board resolve to (1) approve the Fourth Amendment to Agreement No. 2441 between the City of Los Angeles and Stanzler Funderburk & Castellon LLP which assigns the Agreement to Castellon & Funderburk LLP and adds eighteen months to the term; (2) direct the Board Secretary to transmit the Fourth Amendment to Agreement No. 2441 to the City Council for its approval pursuant to Section 373 of the Charter; and (3) adopt Resolution No. \_\_\_\_\_ authorizing the Executive Director to execute the Fourth Amendment to Agreement No. 2441.

**Contracts and Purchasing**

2. Re: RESOLUTION NO. \_\_\_\_\_ - RENEWAL OF ANNUAL PROCUREMENT CONTRACTS FOR MATERIALS, SUPPLIES AND SERVICES

***SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) executes annual procurement contracts to purchase business required materials, supplies and services to support Harbor Department operations. These annual procurement contracts are generally awarded for one year, plus two one-year renewal options. Execution of the renewal options extends the contracts past one-year and therefore requires Board of Harbor Department Commissioners (Board) approval. To minimize staff impact, these small dollars contracts were bundled into one annual Board action requesting authorization for the Executive Director to execute the renewal options. In August 2009, the Board approved Resolution No: 09-6792 authorizing the Executive Director to execute two, one-year renewal options for 179 contracts that were originally established in Fiscal Year 2008/2009 and earlier, with a total amount of \$5,581,170.***

***In Fiscal Year 2009/2010, the Executive Director, as authorized by Article 1, Section 10.1.1 (a) of the Los Angeles Administrative Code, executed twenty new annual procurement contracts, with two, one-year renewal options. The proposed twenty annual procurement contracts are separate and in addition to the previous 179 annual procurement contracts approved by the Board. Board approval is required to authorize the Executive Director to exercise the renewal option(s) inasmuch as the total contract term will exceed one year. Recognizing that Board approval is required, the Contracts and Purchasing Division (CPD) is requesting authority for the Executive Director to renew the twenty annual procurement contracts executed during Fiscal Year 2009/2010 at an aggregate amount of \$789,500.***

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2. (Continued)

**Recommendation:** Board resolve to (1) find that the twenty annual procurement contracts listed in Transmittal 1 adhered to City of Los Angeles competitive selection process; (2) authorize the Executive Director or designee, at his/her discretion, to execute each of the two, one-year renewal options, for the annual procurement contracts listed in Transmittal 1, contingent upon funding availability to pay for the materials, supplies, and/or services; and (3) adopt Resolution No. \_\_\_\_\_.

**Environmental**

3. Re: RESOLUTION NO. \_\_\_\_\_ - PERSONAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND LLOYD'S REGISTER QUALITY ASSURANCE, INC. FOR ISO 14001 RECERTIFICATION OF THE CONSTRUCTION & MAINTENANCE DIVISION ENVIRONMENTAL MANAGEMENT SYSTEM

***SUMMARY:*** Staff is recommending approval of an Agreement with Lloyd's Register Quality Assurance, Inc., (LRQA) of Houston, TX, to provide International Organization of Standardization (ISO) 14001 certification audits of the City of Los Angeles Harbor Department (Harbor Department) Environmental Management System (EMS). The EMS was implemented at the Harbor Department, Construction and Maintenance (C&M) Division in January 2004. In 2007, the EMS was certified to meet ISO 14001, the internationally recognized standard for environmental management systems. EMS has provided a structured approach to improve environmental performance as well as operational efficiencies in day-to-day operations. The ISO 14001 EMS standard requires a recertification audit of the entire EMS every three years and periodic surveillance audits by an independent auditor to maintain the ISO 14001 certification. The recertification audit is now due. The Agreement will provide the Harbor Department with audit, certification and surveillance services of the EMS in compliance with ISO 14001. The contract would be for a term of three years and a not-to-exceed amount of \$25,000.

**Recommendations:** Board resolve to (1) find that in accordance with the City Charter Section 1022, work under the subject agreements can be performed more feasibly by independent consultants rather than by City employees; (2) approve the Agreement with Lloyd's Register Quality Assurance Inc., substantially as to form for a term of three years and a total amount not-to-exceed \$25,000; (3) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board; and (4) adopt Resolution No. \_\_\_\_\_.

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4. Re: RESOLUTION NO. \_\_\_\_\_ - PORT OF LOS ANGELES FLEX-GRID SYSTEM FOR ALTERNATIVE MARITIME POWER (AMP) – APPROVAL OF A COOPERATIVE AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE IMPLEMENTATION OF SHORE-SIDE ELECTRIC POWER AT APL AT BERTH 304

*SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) has been awarded grant funding from the United States Environmental Protection Agency's (USEPA) Diesel Emissions Reduction Act (DERA) Program to utilize the Flex-Grid System to provide shore power to five American President Line (APL) container vessels. The Flex-Grid System, developed by Clean Air Logix (CAL), Oakland, California, provides electricity generated from a portable liquefied natural gas (LNG) generator system to ocean-going vessels equipped with Alternative Maritime Power (AMP) connection capabilities, eliminating the need to operate diesel-fueled on-board auxiliary generators. This is a bridge technology that will utilize permanent AMP infrastructure and will operate until grid-based shore power is available, advancing emission reductions from this operation by over 18 months. The Flex-Grid System can be transferred to other terminals awaiting grid-based shore power and can also be deployed at berths with infrequent AMP-ready vessel calls. The total project cost is \$3.64 million, with infrastructure costs funded by a combination of \$1.21 million from the USEPA grant and \$1.19 million from the Capital Contingency Funds for FY10/11, and operational costs funded by \$1.24 million from the Air Quality Mitigation Incentive Program (AQMIP). In order to receive and administer the award, the Harbor Department is required to enter into a Cooperative Agreement with USEPA.*

**Recommendation:** Board resolve to (1) approve the Cooperative Agreement for acceptance of grant funds under the American Recovery and Reinvestment Act of 2009, which provided funding for DERA, 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. \_\_\_\_\_.

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5. Re: RESOLUTION NO. \_\_\_\_\_ - CHINA SHIPPING PORT COMMUNITY AESTHETIC MITIGATION PROJECT – AGREEMENT WITH THE LOS ANGELES MARITIME INSTITUTE TO FUND THE RESTORATION OF THE TALL SHIP SWIFT OF IPSWICH

*SUMMARY: In July 2009, the Board of Harbor Commissioners (Board) approved and allocated China Shipping Community Aesthetic Mitigation funding for the tall ship Swift of Ipswich Restoration Project (Project). It is now recommended that the Board approve the Agreement between the City of Los Angeles Harbor Department (Harbor Department) and the Los Angeles Maritime Institute (LAMI) that is necessary to fund the Project in the not-to-exceed amount of \$771,000 for a term of three years.*

**Recommendation:** Board resolve to (1) approve the Agreement with the Los Angeles Maritime Institute substantially as to the form attached hereto in the not-to-exceed amount of \$771,000 for a term of three years; (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. \_\_\_\_\_.

Planning and Economic Development

6. 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 Harbor City/Harbor Gateway Chamber of Commerce and the Harbor Association of Industry and Commerce (HAIC).*

**Recommendation:** Board resolve to (1) approve Emma Castillo as the Harbor City/Harbor Gateway Chamber of Commerce voting member; (2) approve Joeann Valle as the Harbor City/Harbor Gateway Chamber of Commerce alternate member; (3) approve Bill Waller as the HAIC voting member; (4) approve Clay Sandidge as the HAIC alternate member; and (5) adopt Resolution No. \_\_\_\_\_.

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Public Relations

7. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT WITH THE LOS ANGELES MARITIME INSTITUTE FOR SPONSORSHIP OF THE TOPSAIL YOUTH PROGRAM

***SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) is proposing to enter into an Agreement with the Los Angeles Maritime Institute (LAMI), San Pedro, CA, for sponsorship of the TopSail Youth Program (TopSail). This program educates middle school students - many of whom are "at-risk" youths - about the Port of Los Angeles and the maritime industry while teaching them vital communication and team-work skills - all in the setting of sailing a tall ship, an activity synonymous with the history of the Port and maritime industry. This program has succeeded in increasing participants' self esteem by teaching team-work, responsibility and leadership skills. Funding is recommended at \$350,000 per year for a three-year term, for a total not-to-exceed amount of \$1,050,000.***

**Recommendation: Board resolve to (1) find that, in accordance with City Charter Section 1022, the scope of work of the proposed Agreement is of a temporary and occasional nature and is best completed by a contractor on an interim basis; (2) find that the proposed Agreement is consistent with the criteria of the Board-approved Sponsorship/Hosting Policy (March 2010); (3) approve the Agreement between the Harbor Department and Los Angeles Maritime Institute for a three-year term for a total not-to-exceed amount of \$1,050,000; (4) authorize the Board Secretary to transmit the Agreement to the Los Angeles City Council for approval pursuant to City Charter Section 373; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Agreement upon approval by the Los Angeles City Council; and (6) adopt Resolution No. \_\_\_\_\_.**

Real Estate

8. Re: ORDER NO. \_\_\_\_ - RESETTING COMPENSATION UNDER PERMIT NO. 724 WITH LOS ANGELES YACHT CLUB

***SUMMARY: Permit No. 724 grants Los Angeles Yacht Club (LAYC) the use of the Los Angeles Harbor Department (Harbor Department) property located in Phase I of the West Channel Development, as depicted on Transmittal 2A. The property is used for the construction, operation, and maintenance of structures as a yacht club center with small vessel storage and incidental purposes for a 30-year term ending March 3, 2023. Permit No. 724 requires that compensation be reset every five years.***

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8. (Continued)

*The proposed Order resetting compensation is for the compensation periods of March 4, 2003 through March 3, 2008, and March 4, 2008 through March 3, 2013. The proposed Order maintains the current compensation rate for the first five-year period, and in the second five-year period increases compensation in phases, achieving current market rental rates in January 2012, and implementing an automatic increase in compensation by a minimum of two percent or the Consumer Price Index (CPI) up to a maximum of four percent, whichever is greater, beginning in January 2013.*

**Recommendation:** Board resolve to (1) adopt the Order resetting compensation under Permit No. 724 for the five-year periods of March 4, 2003 through March 3, 2008, and March 4, 2008 through March 3, 2013; (2) authorize the Board Secretary to attest to the Order resetting compensation to be paid by LAYC pursuant to Section 4(a) of Permit No. 724; and (3) adopt Order No. \_\_\_\_\_.

**REGULAR ITEMS (9 -14)**

**Construction**

9. Re: RESOLUTION NO. \_\_\_\_\_ - AWARD OF CONSTRUCTION  
CONTRACT CONTRACTOR: GRIFFITH COMPANY 2010 – 2012  
SITE IMPROVEMENTS SPECIFICATION NO. 2705

*SUMMARY: The project consists of nonexclusive on-call general landscaping and site improvements throughout the San Pedro, Wilmington, and Terminal Island districts (Transmittal No. 4) of the Port of Los Angeles (Port). The lowest responsive and responsible bidder is Griffith Company, Santa Fe Springs, CA. The contract amount is \$16,396,600, and the contract duration is 730 calendar days.*

**Recommendation:** Board resolve to (1) adopt Resolution No. \_\_\_\_\_ to award the above-mentioned contract for Item Nos. 1 through 100 of the proposal schedule to Griffith Company in the amount of \$16,396,600; and authorize payment from the City of Los Angeles Harbor Department (Harbor Department) Construction Account. The contract time for performance of the work is 730 calendar days from the Notice to Proceed; (2) find that the defect in Griffith Company's bid is a waivable informality and reject the bid protest of Sully-Miller Contracting Company based on analysis and investigation of staff; (3) authorize the Executive Director to execute and the Board Secretary to attest to this contract for and on behalf

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9. (Continued)

of the Board; (4) in accordance with City Charter 655 (g), delegate and authorize the Executive Director to adjust final bid quantities and accept the construction contract upon its completion; and (5) find and determine that a Project Labor Agreement (PLA) among the Harbor Department, the Los Angeles/Orange Counties Building and Construction Trades Council, and contractors working on the project, is appropriate and approve the PLA for the 2010-2012 Site Improvements Contract.

Contracts and Purchasing

10. Re: RESOLUTION NO. \_\_\_\_\_ - STATUS OF THE SMALL BUSINESS DEVELOPMENT PROGRAM

*SUMMARY: This report provides a status update of the Small Business Development Program. In February 2007, the Board of Harbor Commissioners adopted the Small Business Development Program (SBDP) and authorized its implementation. The Executive Director set a Harbor Department goal of 25% Small Business Enterprise (SBE) participation for all personal service and construction contract awards. Since the implementation of the Small Business Development Program, the Harbor Department has exceeded the 25% goal. During the period of May 1, 2007 through May 31, 2010, approximately \$675 million in personal service agreements and construction contracts have been awarded. Of this amount, approximately \$245 million or 36% has been awarded to SBEs. Based on the success rate of exceeding the Harbor Department's SBE goal, staff is recommending that the Board of Harbor Commissioners consider expanding the Small Business Development Program to include a Very Small Business component. This would augment the Harbor Department's efforts to increase participation of small businesses by providing contract opportunities for Very Small Businesses.*

**Recommendation:** Board resolve to (1) receive and file this status update report of the Harbor Department's Small Business Development Program; (2) instruct staff to report annually on the achieved participation levels and outreach components of the Small Business Development Program; (3) instruct staff to report to the Board with policy and program guidelines for the establishment of a Very Small Business Development Program within three months; and (4) adopt Resolution No. \_\_\_\_\_.

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Environmental

11. Re: RESOLUTION NO. \_\_\_\_\_ - EMERGING TECHNOLOGIES PROGRAM COOPERATIVE AGREEMENT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY

***SUMMARY:*** *On June 9, 2010, the U.S. Environmental Protection Agency (EPA), as Administrator for the Clean Diesel Emerging Technologies Funding Assistance Program (Program), awarded grant funding in the amount of \$731,298 to the City of Los Angeles Harbor Department (Harbor Department). The award will fully fund the "The Port of Los Angeles/EcoPower EcoCrane Emerging Technologies Project" (Project). Under the supervision of the Harbor Department, the Project will allow Ports America (San Pedro, CA) to purchase an EcoPower "EcoCrane." The EcoCrane is recognized by the EPA as an emerging green technology that significantly reduces greenhouse gases and key criteria pollutants. The Harbor Department will act as the fiduciary agency, by accepting and distributing grant funds to Ports America as Project expenses are incurred. No Harbor Department funds are required. In order to receive and administer the award, the Harbor Department is required to enter into a Cooperative Agreement with the EPA. After execution of the Cooperative Agreement, a Subgrantee Agreement will be prepared between the Harbor Department and Ports America, transferring all requirements and obligations of the EPA Cooperative Agreement to Ports America and allowing Project supervision by the Harbor Department. The Subgrantee Agreement will be brought before the Board of Harbor Commissioners (Board) for approval as a subsequent, yet related, item.*

**Recommendation:** Board resolve to (1) approve the Emerging Technologies Program Cooperative Agreement between the U.S. Environmental Protection Agency and the City of Los Angeles 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. \_\_\_\_\_.

Finance

12. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT BETWEEN KPMG LLP AND THE CITY OF LOS ANGELES TO PROVIDE FINANCIAL AUDITING AND RELATED SERVICES

***SUMMARY:*** *The proposed three-year Agreement with KPMG LLP (KPMG), Los Angeles, California, is to provide independent professional services to perform the annual financial statement audit and single audit of the City of Los Angeles Harbor Department (Harbor Department), and other financial auditing services, including audit of financial statements of Los*

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12. (Continued)

*Angeles Harbor Improvement Corporation (LAHIC). This is a task-order based Agreement for a not-to-exceed amount of \$540,000, including related expenses. Staff recommends that the Board of Harbor Commissioners (Board) approve the proposed Agreement with KPMG.*

**Recommendation:** Board resolve to (1) find that in accordance with the City of Los Angeles (City) Charter Section 1022, the proposed services are of a professional, expert, and technical nature, which can only be performed by an independent, licensed certified public accounting firm; (2) approve the proposed Agreement for a not-to-exceed amount of \$540,000 with KPMG, including related expenses, for a period of three (3) years; (3) authorize the Executive Director and the Secretary to execute and attest to said proposed Agreement for and on behalf of the Board; and (4) adopt Resolution No. \_\_\_\_\_ .

**Real Estate**

13. Re: ORDER NO. \_\_\_\_\_ - RESETTING COMPENSATION UNDER CONCESSION AGREEMENT NO. 521 WITH VIA CABRILLO MARINA 2500, LLC

***SUMMARY: Concession Agreement No. 521 (CA 521) grants Via Cabrillo Marina 2500, LLC, a California Limited Liability Company (Via Cabrillo), the use of Los Angeles Harbor Department (Harbor Department) property for constructing, operating, and maintaining facilities for a convenience restaurant, charter vessel facility, vessel brokerage and insurance, sale of marine hardware and sundry items, rental of marine-related office space, marina-related retail sales, and incidental purposes for a 50-year term commencing September 1, 1987. CA 521 requires that compensation be reset every five years.***

***The proposed Order resetting compensation is for the five-year period of September 1, 2007 through August 31, 2012. The proposed Order maintains the current compensation rate through November 2009, increases compensation to market value rental rates beginning in December 2009, and implements an annual Consumer Price Index (CPI) increase beginning in July 2010.***

**Recommendation:** Board resolve to (1) adopt the Order resetting compensation under CA 521 for the five-year period of September 1, 2007 through August 31, 2012; (2) authorize the Board Secretary to attest to the Order resetting compensation to be paid by Via Cabrillo pursuant to Section 4(a) of CA 521; and (3) adopt Order No. \_\_\_\_\_ .

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Executive Offices

14. Re: RESOLUTION NO. \_\_\_\_\_ CONSIDERATION OF THE FORMULATION OF THE NON PROFIT ORGANIZATION TO OPERATE PORT COMMUNITY MITIGATION TRUST FUND (PCMTF) IN FULFILLMENT OF HARBOR DEPARTMENT AGREEMENT NO. 09-2764 KNOWN AS THE TRAPAC MEMORANDUM OF UNDERSTANDING

*SUMMARY: On December 6, 2007, the Board of Harbor Commissioners (Board) certified the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Berth 136-147 (TraPac) Container Terminal and approved the TraPac Project. Subsequent to that project approval, certain entities, individuals, and organizations (TraPac Appellants) appealed the certification/project approval to the Los Angeles City Council under the provisions of the California Environmental Quality Act (CEQA). On April 3, 2008, the Board approved a Memorandum of Understanding (MOU) among the City of Los Angeles (City) and the TraPac Appellants (Transmittal No. 1). The MOU provides for settlement of the appeals and creation of a Port Community Mitigation Trust Fund (PCMTF) to be operated by a Nonprofit entity (Nonprofit) established for the purpose of overseeing grants from the PCMTF. At the request of the TraPac Appellants, we have put this item on the agenda to give the Board a status update on the efforts to create the Nonprofit and to seek Board input on a number of fundamental areas related to the creation of the Nonprofit. Staff requests that the Board consider the formulation of the Nonprofit organization to operate the PCMTF in accordance with the MOU (other MOU requirements are discussed herein).*

**Recommendation:** Board resolve to (1) consider this report and the attached referenced documents (Transmittals Nos. 2, 3, 4, 5, 6, 7, and 8,) and provide direction and instructions to staff on necessary next steps; (2) consider and address, the items listed in this report, under the "Major Unresolved Issues" section; (3) instruct the City Attorney to draft the final documents as per Board direction, working with the Interim Entity and the State Lands Commission, and maintain document content; and (4) adopt Resolution No. \_\_\_\_\_ incorporating these directions and instructions of the Board.

- Mission Infrastructure Presentation
- Staff Presentation

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H. **CLOSED SESSION**

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
(Subdivision (b) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 regarding subject matter of mediation with Gambol Industries, Inc.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Subdivision (a) of Government Code Section 54956.9)

**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

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Subdivision (a) of Government Code Section 54956.9)

**City of Los Angeles v. Kinder Morgan, Inc., et al.**, Los Angeles Superior Court Case No. NC041463

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Subdivision (a) of Government Code Section 54956.9)

**Alice J. Bradfield, et al. v. City of Los Angeles, et al.**, Los Angeles Superior Court Case No. BC322640

5. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
(Subdivision (b) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one case.