

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, JANUARY 21, 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. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. PRESENTATION

2008 Emission Inventory

G. APPROVAL OF MINUTES

**Minutes of the special meetings of June 18, 2009 and July 2, 2009
for approval.**

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H. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 12)

Construction

1. Re: RESOLUTION NO. _____ - AWARD OF CONSTRUCTION CONTRACT CONTRACTOR: BON AIR, INC. BERTHS 212-224 ADMINISTRATION BUILDING HVAC UPGRADE (NYK TERMINAL) SPECIFICATION NO. 2717

SUMMARY: This contract will allow replacement of the existing deteriorated Heating Ventilation and Air Conditioning (HVAC) equipment at the Berths 212-224 Administration Building (NYK Terminal). The City of Los Angeles Harbor Department (Harbor Department) advertised and received ten (10) bids for Specification No. 2717. The lowest responsible bidder is Bon Air, Inc. (Bon Air), in Los Angeles, California. A bid protest was received regarding an issue that was deemed to be a waivable informality. The contract amount is \$592,500, and the contract duration is 150 calendar days.

Recommendation: Board resolve to (1) adopt Resolution No. _____ to award the above-mentioned contract for Item Nos. 1 through 5 of the proposal schedule to Bon Air in the amount of \$592,500, and authorize payment from the Harbor Department Construction Account. The contract time for performance of the work is 150 calendar days from the Notice to Proceed; (2) authorize the Executive Director to execute and the Board Secretary to attest to this contract for and on behalf of the Board; and (3) delegate and authorize the Executive Director to adjust final bid quantities in accordance with City Charter 655 (g) and accept the construction contract upon its completion.

2. Re: RESOLUTION NO. _____ - CHANGE ORDER NO. 4 PORT OF LOS ANGELES ADMINISTRATION BUILDING LOBBY SECURITY RENOVATION CONTRACTOR MANSON CONSTRUCTION COMPANY 2008-2010 MARINE IMPROVEMENTS SPECIFICATION NO. 2697, CONTRACT NO. 2259

SUMMARY: Supplemental Agreement No. 1 and Change Order No. 4 to Contract No. 2259, in the amount of \$548,554, authorize Manson Construction Company to purchase, deliver, and install a structural glazing system, glass doors and miscellaneous glass as part of the Lobby Security Renovation project. All funds will be reimbursed through the State of California Proposition 1B Security Grant. This element is a key safety and security feature of the Lobby Security Renovation project, and

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2. (Continued)

is specialized work that cannot be completed by the Construction & Maintenance Division. However, the State requires that all work under this grant project be constructed, invoices submitted to the State and issuance of payment by the State be completed before July 1, 2010. Given this expedited schedule, utilizing the standard competitive bidding process would not allow the project to be completed in time for State reimbursement, thereby costing the Department \$548,554. In order to make the deadline, the work must be started immediately utilizing a contractor that has already satisfied with the City administrative requirements and is ready to perform immediately. Therefore, pursuant to Charter Section 371(e)(10), Staff recommends excusing the normal competitive bidding requirements and adding this work to the existing Marine On-Call contract, Contract No. 2259, with Manson Construction.

Recommendation: Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under this Change Order can be performed more feasibly by an independent contractor rather than by City employees; (2) find that in accordance with the City Charter Sections 371(e)(10) and 372, that the use of competitive bidding or proposals would be undesirable, impractical, not compatible with the City's interest, and would work an incongruity in that it would prevent the Department from qualifying for reimbursement from the State; (3) approve and authorize the Executive Director to execute Supplemental Agreement No. 1 (Transmittal No. 1) and Change Order No. 4 (Transmittal No. 2), for an increase not-to-exceed amount of \$548,554; and (4) adopt this Resolution No. _____.

3. Re: RESOLUTION NO. _____ - AMENDMENT NO. 1 TO AGREEMENT NO. 2572 BETWEEN THE CITY OF LOS ANGELES AND DMJM H&N FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE PORT OF LOS ANGELES POLICE HEADQUARTERS - CORPORATE NAME CHANGE AND TIME EXTENSION

SUMMARY: *First Amendment to Agreement No. 2572 will change the name of the Consultant from DMJM H&N to AECOM Services, Inc., and extend the Agreement one year to a total of four years. The name change is necessary because DMJM H&N recently informed the Harbor Department of its merger with AECOM Services, Inc., which occurred on October 8, 2008. The one year time extension is necessary for continued construction management services in support of construction of the new Port Police Headquarters building. No additional compensation is being requested.*

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3. (Continued)

Recommendation: Board resolve to (1) approve First Amendment to Agreement No. 2572, changing the name of the Consultant from DMJM H&N to AECOM Services, Inc., and extending the term of the Agreement from three years to four years (Transmittal No. 1); (2) authorize the Executive Director to execute and the Board Secretary to attest said Amendment for and on behalf of the Board; and (3) adopt Resolution No. _____ - authorize and direct the Board Secretary to forward the Amendment to the City Council for its approval pursuant to Section 373 of the City Charter.

Construction & Maintenance

4. Re: RESOLUTION NO. _____ - PROPOSED TERMINATION OF AGREEMENT NO. 2708 BETWEEN THE LOS ANGELES HARBOR DEPARTMENT AND PACIFIC MARITIME FREIGHT, INC.

SUMMARY: Per Agreement No. 2708 (Agreement), the City of Los Angeles Harbor Department (Harbor Department) retained services from Pacific Maritime Freight, Inc. dba Pacific Tugboat Service (PacTug) for barge and tugboat services to support the Alternative Maritime Power (AMP) program. The Agreement is for a three-year term effective July 25, 2008. As a cost saving measure, the Harbor Department proposes to utilize existing Construction and Maintenance Division (C&M) staff and equipment to perform the work covered in the Agreement. The Agreement provides the Board of Harbor Commissioners (Board) with the right to terminate the Agreement upon giving a Ten-Day Written Notice of Termination for any reason to PacTug. Staff recommends that the Board exercise its right to terminate the Agreement. The Harbor Department will realize an estimated savings of \$295,321 through July 2011 as a result of this action.

Recommendation: Board resolve to (1) approve the termination of Agreement No. 2708 with PacTug; (2) authorize the Executive Director to provide a Ten-Day Written Notice of Termination to PacTug (see Transmittal No. 2); and (3) adopt Resolution No. _____ .

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Environmental

5. Re: RESOLUTION NO. _____ - PROPOSED AMENDMENT TO AGREEMENT NO. 2526 WITH ICF JONES AND STOKES, INC., AGREEMENT NO. 2527 WITH CAMP DRESSER MCKEE, INC., AND AGREEMENT NO. 2528 WITH ENVIRONMENTAL SCIENCE ASSOCIATES, INC.

SUMMARY: ICF Jones and Stokes (ICF) (Agreement No. 2526), Camp Dresser and McKee, Inc., (CDM) (Agreement No. 2527), and Environmental Science Associates, Inc., (ESA) (Agreement No. 2528) are currently under contract with the City of Los Angeles Harbor Department (Harbor Department) for California Environmental Quality Act and National Environmental Policy Act (CEQA/NEPA) related services. All three Agreements are set to expire on February 28, 2010. Harbor Department staff recommends a one-year extension to Agreements No. 2526, No. 2527 and No. 2528 to complete current CEQA/NEPA projects and prepare a new CEQA/NEPA services solicitation. These amendments would extend the contract term to February 27, 2011 for each of the Agreements. No additional compensation is needed at this time.

Recommendation: Board resolve to (1) approve the Second Amendment to Agreement No. 2526 with ICF Jones and Stokes to extend the contract term by one year from February 28, 2010, to February 27, 2011; (2) approve the First Amendment to Agreement No. 2527 with CDM to extend the contract term by one year from February 28, 2010, to February 27, 2011; (3) approve the First Amendment to Agreement No. 2528 with ESA to extend the contract term by one year from February 28, 2010, to February 27, 2011; (4) direct the Board Secretary to transmit the Amendments to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (5) upon approval by City Council, authorize the Executive Director and the Board Secretary to execute and attest to said amendments for and on behalf of the Board; and (6) adopt Resolution No. _____.

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6. Re: RESOLUTION NO. _____ - NATIONAL CLEAN DIESEL ASSISTANCE PROGRAM COOPERATIVE AND SUB RECIPIENT AGREEMENT AMENDMENTS

SUMMARY: *On July 16, 2009, the United States Environmental Protection Agency (EPA) awarded nearly \$2,000,000 (\$117,500 for Harbor Department projects and \$1,874,250 for tenant projects) to the City of Los Angeles Harbor Department under the National Clean Diesel Campaign. On August 13, 2009, the Harbor Department, through its Board of Harbor Commissioners (Board), authorized the execution of the Cooperative Agreement with the EPA to accept and approve funding for these projects. On December 10, 2009, the Board approved Subrecipient Agreements with four Port of Los Angeles (Port) tenants, which is a grant requirement that will enable the Harbor Department to request reimbursement of funds from EPA on behalf of our tenants. On November 23, 2009, the Harbor Department received an Amendment to the Cooperative Agreement. In order to receive and administer the award, the Harbor Department is required to amend the Cooperative Agreement with EPA and incorporate the Amendment into the Subrecipient Agreements.*

Recommendation: Board resolve to (1) approve the Amendment to the National Clean Diesel Assistance Program Cooperative Agreement between the United States Environmental Protection Agency and the Harbor Department; (2) approve the Amendments to National Clean Diesel Assistance Program Subrecipient Agreements between the Harbor Department and SA Recycling, Ports America, Metropolitan Cruise Services, and Eagle Marine Services; (3) authorize the Executive Director to execute and the Board Secretary to attest to said Amendment for and on behalf of the Board; and (4) adopt Resolution No. _____.

Government Affairs

7. Re: RESOLUTION NO. _____ - FOURTH AMENDMENT TO AGREEMENT NO. E6505 WITH THE GEPHARDT GROUP FOR FEDERAL GOVERNMENT ADVOCACY SERVICES

SUMMARY: *This action recommends approval of a Fourth Amendment to Agreement No. E6505, with The Gephardt Group (TGG), of Washington, DC, originally approved by the Executive Director on May 27, 2009, with an initial expiration date of October 26, 2009. The Executive Director approved a First Amendment on July 15, 2009, clarifying the timing of compensation, and a Second Amendment on September 30, 2009 extending the term by three months to January 26, 2010. The Board*

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7. (Continued)

approved a Third Agreement on October 15, 2009, increasing the total compensation by \$55,500 for a total amount not to exceed \$205,500, all of which has been expended to date. The proposed Fourth Amendment is necessary to extend the engagement of TGG in response to on-going legislative needs with the federal government. The proposed Fourth Amendment increases the total contract compensation by \$60,000 for a not-to exceed amount of \$265,500 and extends the term of the agreement to April 26, 2010.

Recommendation: Board resolve to (1) find that in accordance with the City Charter Section 1022, work under the subject Fourth Amendment can be performed more feasibly by independent consultants rather than by City employees; (2) approve the Fourth Amendment to Agreement No. E6505 (Transmittal 1) with The Gephardt Group to increase the total compensation amount by \$60,000 for a total amount not to exceed \$265,500, and extend the agreement by three months to April 27, 2010; (3) authorize the Executive Director to execute, and the Board Secretary to attest to the proposed Amendment; and (4) adopt Resolution No. _____.

Planning & Economic Development

8. Re: RESOLUTION NO. _____ - ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (NO. 10-01) TO PACIFIC CRUISE SHIP TERMINALS FOR THE PLACEMENT OF A TEMPORARY TENT STRUCTURE AT BERTHS 87-89

SUMMARY: *Pacific Cruise Ship Terminals (PCST) is proposing continued use of a temporary tent structure at Berths 87-89 through April 2010 to provide additional cruise terminal services on six separate dates when the Port of Los Angeles (Port) will serve a Voyager-class cruise ship and two other cruise ships at the same time. The tent will be used for luggage handling, passenger check-in, and security screening procedures. Staff is recommending the Board of Harbor Commissioners (Board) to approve Coastal Development Permit (CDP) No. 10-01, a Level I permit, for the proposed project.*

Recommendation: Board resolve to (1) find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (2) authorize the Executive Director to approve the issuance of CDP No. 10-01; and (3) adopt Resolution No. _____.

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Marketing

9. Re: RESOLUTION NO. _____ - APPROVAL OF PROPOSED FOREIGN-TRADE ZONE DEVELOPER AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND WATSON LAND COMPANY, FTZ 202, SITES 10 AND 11

SUMMARY: *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ Developer Agreements (Developer Agreements) with FTZ developers in order to enable the Harbor Department to oversee their FTZ developments. On October 13, 2004, the Board of Harbor Commissioners (Board) approved Developer Agreement No. 2351 with Watson Land Company (Watson). The original term for this Developer Agreement began on July 10, 2004, and expired on July 9, 2009, with three, five-year renewal options. The Harbor Department received a request from Watson to renew FTZ status of Sites 10 and 11 in Carson, California. Due to Watson's inability to approve an amendment for renewal before the expiration date, the Harbor Department requires a new agreement in order to continue FTZ status for these sites. The proposed new Developer Agreement will provide a term of five years with two, five-year renewal options.*

Recommendation: Board resolve to (1) approve the subject proposed Developer Agreement between the City of Los Angeles and Watson; (2) authorize and direct the Board Secretary to transmit the proposed Developer Agreement 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 Developer Agreement; and (4) adopt Resolution No. _____.

10. Re: RESOLUTION NO. _____ - APPROVAL OF PROPOSED FOREIGN-TRADE ZONE DEVELOPER AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CARSON DOMINGUEZ PROPERTIES, LP, FTZ 202, SITE 4

SUMMARY: *The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ Developer Agreements (Developer Agreements) with FTZ developers in order to enable the Harbor Department to oversee their FTZ developments. On October 13, 2004, the Board of Harbor Commissioners (Board) approved Developer Agreement No. 2352 with Carson Dominguez Properties, LP (Carson). The original term for this Developer Agreement began on September 17, 2004, and expired on September 16, 2009, with three, five-year renewal options. The Harbor Department received a request from*

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10. (Continued)

Carson to renew FTZ status of Site 4 in Carson, California. Due to Carson's inability to approve an amendment for renewal before the expiration date, the Harbor Department requires a new agreement in order to continue FTZ status for this site. The proposed Developer Agreement will provide a term of five years with two, five-year renewal options.

Recommendation: Board resolve to (1) approve the subject proposed Developer Agreement between the City of Los Angeles and Carson; (2) authorize and direct the Board Secretary to transmit the proposed Developer Agreement 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 Developer Agreement; and (4) adopt Resolution No._____.

11. Re: RESOLUTION NO. _____ - APPROVAL OF PROPOSED FOREIGN-TRADE ZONE DEVELOPER AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND WATSON PARTNERS, FTZ 202, SITE 4

SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ Developer Agreements (Developer Agreements) with FTZ developers in order to enable the Harbor Department to oversee their FTZ developments. On October 13, 2004, the Board of Harbor Commissioners (Board) approved Developer Agreement No. 2353 with Watson Partners, LP (Watson). The original term for this Developer Agreement began on September 17, 2004, and expired on September 16, 2009, with three, five-year renewal options. The Harbor Department received a request from Watson to renew FTZ status of Site 4 in Carson, California. Due to Watson's inability to approve an amendment for renewal before the expiration date, the Harbor Department requires a new agreement in order to continue FTZ status for this site. The proposed new Developer Agreement will provide a term of five years with two, five-year renewal options.

Recommendation: Board resolve to (1) approve the subject proposed Developer Agreement between the City of Los Angeles and Watson; (2) authorize and direct the Board Secretary to transmit the proposed Developer Agreement 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 Developer Agreement; and (4) adopt Resolution No._____.

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Real Estate

12. Re: ORDER NOS. _____ AND _____ - COMPENSATION RESET OF PERMIT NOS. 712 AND 713 BETWEEN SHORE TERMINALS LLC, FORMERLY KANE PIPELINE PARTNERS, L.P., AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT

SUMMARY: *The City of Los Angeles Harbor Department (Harbor Department) is proposing to reset compensation for Permit Nos. 712 and 713 with Shore Terminals LLC (Shore), formerly Kane Pipeline Partners, L.P., for the five-year period beginning June 25, 2009, and ending June 24, 2014, for Shore's use of Berths 163-164 in Wilmington, California, as a marine oil terminal. Compensation is proposed to be reset as follows:*

- *Permit No. 712 - \$136,116 per quarter, plus all tolls and charges pursuant to Port of Los Angeles Tariff No. 4, and all successor Tariffs and amendments.*
- *Permit No. 713 - \$74,451 per quarter, plus all tolls and charges pursuant to Port of Los Angeles Tariff No. 4, and all successor Tariffs and amendments.*

Recommendation: Board resolve to (1) approve the Orders setting compensation with Shore for the five-year period of June 25, 2009 through June 24, 2014; (2) authorize the Board Secretary to attest to the proposed Orders; and (3) adopt Order Nos. _____ and _____.

REGULAR ITEMS (13 – 17)

Construction

13. Re: RESOLUTION NO. _____ - AWARD OF CONSTRUCTION CONTRACT CONTRACTOR: SIALIC CONTRACTORS CORPORATION DBA SHAWNAN HARRY BRIDGES BOULEVARD VOLUNTARY IMPROVEMENTS PROJECT – FEDERAL PROJECT NO. FTIP LA 960176 SPECIFICATION NO. 2711

SUMMARY: *This contract will improve a 1.2 mile segment of Harry Bridges Boulevard in the City of Los Angeles' Wilmington community. The lowest responsive and responsible bidder is Sialic Contractors Corporation dba Shawnan (Shawnan) located in Downey, California. The contract amount plus a 5% contingency is \$18,601,128, and the contract duration is 630 calendar days. This project is federally funded under the American Recovery and Reinvestment Act (ARRA) of 2009, through the*

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13. (Continued)

State of California Department of Transportation (Caltrans). A bid protest was received from the third lowest bidder, which was investigated by staff and found to be a waivable informality, and therefore is rejected.

Recommendation: Board resolve to (1) adopt Resolution No. _____ to award the referenced contract for Item Nos. 1 through 77 of the proposal schedule to Shawnan in the amount of \$17,715,360; that the 5% contingency not included in the original contract amount be applied for a total of \$18,601,128; and authorize payment from the Construction Account. The contract time for performance of the work will be 630 calendar days from the Notice to Proceed; (2) authorize the Executive Director to execute and the Board Secretary to attest to this contract for and on behalf of the Board; and (3) delegate and authorize the Executive Director to adjust final bid quantities in accordance with City Charter 655 (g) and accept the construction contract upon its completion.

Engineering

14. Re: RESOLUTION NO. _____ - PERSONAL SERVICES AGREEMENTS FOR ON-CALL STRUCTURAL DESIGN CONSULTING SERVICES WITH THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND AECOM USA, INC., BEN C. GERWICK, INC., AND WKE, INC.

SUMMARY: The subject three Agreements with the City of Los Angeles Harbor Department and AECOM USA, Inc. – Orange, California; Ben C. Gerwick, Inc. – Oakland, California; and WKE, Inc. – Irvine, California (Consultants) will provide on-call, as-needed structural design support services. This action will authorize three professional services Agreements (AECOM USA, Inc, Ben C. Gerwick, Inc., and WKE, Inc.) for three-year terms in the amount of \$500,000 each, for a total of \$1,500,000.

Recommendation: Board resolve to (1) find that in accordance with the City of Los Angeles (City) Charter Section 1022, work under the subject Agreements is temporary in nature and can be performed more feasibly by independent Consultants rather than by City employees; (2) approve the three subject three-year Agreements with AECOM USA, Inc., Ben C. Gerwick, Inc., and WKE, Inc.; for a total amount not-to-exceed \$1,500,000 (not-to-exceed amount of \$500,000 for each Agreement) and approve the aforementioned not-to-exceed expenditures as needed; (3) authorize the Executive Director to execute and the Board Secretary to attest to said Agreements for and on behalf of the Board; and (4) adopt Resolution No. _____.

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15. Re: RESOLUTION NO. _____ - PERSONAL SERVICES AGREEMENTS FOR ON-CALL GEOTECHNICAL DESIGN CONSULTING SERVICES WITH THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND EARTH MECHANICS, INC., FUGRO WEST, INC., AND STRATEGIC ENGINEERING & SCIENCE, INC.

SUMMARY: The subject three Agreements with the City of Los Angeles Harbor Department (Harbor Department), and Earth Mechanics, Inc. – Fountain Valley, California; Fugro West, Inc. – Ventura, California; and Strategic Engineering & Science, (SES), Inc. – Irvine, California (Consultants) will provide on-call, as-needed geotechnical design support services. This action will authorize three professional services Agreements (Earth Mechanics, Inc., Fugro West, Inc., and SES, Inc.) for three-year terms in the amount of \$500,000 each, for a total of \$1,500,000.

Recommendation: Board resolve to (1) find that in accordance with the City of Los Angeles (City) Charter Section 1022, work under the three subject Agreements is temporary in nature and can be performed more feasibly by independent Consultants rather than by City employees; (2) approve the three subject three-year Agreements with Earth Mechanics, Inc., Fugro West, Inc., and SES, Inc.; for a total amount not-to-exceed \$1,500,000 (not-to-exceed amount of \$500,000 for each Agreement) and approve the aforementioned not-to-exceed expenditures as needed; (3) authorize the Executive Director to execute and the Board Secretary to attest to said three Agreements for and on behalf of the Board; and (4) adopt Resolution No. _____.

Planning & Economic Development

16. Re: RESOLUTION NO. _____ - AGREEMENT WITH THE LONG BEACH COMMUNITY COLLEGE DISTRICT FOR GRANT FUNDING FOR THE PORT TECHNOLOGIES DEVELOPMENT CENTER

SUMMARY: Los Angeles Harbor Department (Harbor Department) staff is seeking Board of Harbor Commissioners (Board) approval to receive grant funding of up to \$175,000 from the Los Angeles Regional Small Business Development Center (SBDC) to support the Port Technologies Development Center (PTDC). The Long Beach Community College District (LBCCD) administers the SBDC. This grant funding will reimburse the Harbor Department for 50 percent of its funding for the PTDC Executive Director salary, a PTDC scoping study, and other costs incurred by the Harbor Department to support the PTDC.

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16. (Continued)

Recommendation: Board resolve to (1) authorize the Executive Director to execute and submit to the SBDC the Network Service Agreement providing grant matching funds of up to \$175,000; and (2) adopt Resolution No._____.

17. Re: RESOLUTION NO. _____ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 98

SUMMARY: On March 16, 2006, the Board of Harbor Commissioners (Board) approved the designation of \$3,100,000 under the Port of Los Angeles' Community Aesthetic Mitigation Program for the design and construction of a Wilmington Youth Sailing Center (WYSC). On May 19, 2009, the Port of Los Angeles Community Advisory Committee (PCAC) approved Recommendation No. 98, requesting the Board to reallocate \$500,000 of the approved \$3,100,000 in construction funds to fund start-up costs and three years of operating costs for the WYSC. Los Angeles Harbor Department (Harbor Department) staff is recommending the Board approve PCAC Recommendation No. 98, reallocating the \$500,000 of which \$200,000 would be dedicated for start-up costs and \$100,000 per year for three years for annual operating costs.

Recommendation: Board resolve to (1) consider and approve PCAC Recommendation No. 98; (2) authorize staff to reallocate \$500,000 of the approved \$3,100,000 to address the WYSC's start-up and operating costs as follows: \$200,000 for program start-up costs and \$100,000 for annual operating costs over a three year period; and (3) adopt Resolution No. _____.

I. **CLOSED SESSION**

1. **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

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 15
THURSDAY, JANUARY 21, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

- I. CLOSED SESSION - (Continued)**
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

**City of Riverside v. City of Los Angeles, et al., Orange County
Superior Court Case No. 30-2009-00123216**
- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

**Jesse Marquez v. City of Los Angeles, et al., Los Angeles Superior
Court Case No. BS120716**
- 4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

**Alicia Unger v. City of Los Angeles, et al., United States District
Court Case No. CV 08-02139 SVW**

**Alicia Unger v. Sgt. Kevin McCloskey, Los Angeles Superior Court
Case No. NC042952**
- 5. 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**
- 6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

**City of Los Angeles v. San Pedro Boat Works, Inc., et al., United
States District Court Case No. CV-02-7986**

**San Pedro Boat Works/Billfish v. Water Quality Insurance, et al.,
United States District Court Case No. CV-04-08495**

**AGENDA OF THE REGULAR MEETING OF THE
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I. CLOSED SESSION – (Continued)

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

Natural Resources Defense Council, Inc., et al. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BS070017

**8. 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 (1) potential case]

**9. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)**

Provide instructions to its real estate negotiators with respect to lease negotiations with Plains LPG Services LP concerning proposed Revocable Permit No. 09-19:

Property: Subsurface petroleum pipelines previously owned by AmeriGas Propane, L.P. and shown as Parcel Nos. 1 through 5 on Port of Los Angeles Drawing No. 45015-4, Parcel No. 6 on Exhibit A of Port of Los Angeles Lease Audit No. 173105, and Parcel No. 7 on Port of Los Angeles Drawing No. 5-4327.

City Negotiator: Michael Galvin

Tenant Negotiator: Rick Gorman

Negotiating Parties: City and Plains LPG Services LP

Under Negotiation: Price and Terms