

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, FEBRUARY 3, 2011 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 David Arian  
Commissioner Kaylynn L. Kim  
Commissioner Robin M. Kramer  
Commissioner Douglas P. Krause**

**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).~~ Note: Board meetings cannot be heard via phone until further notice.

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**

**F. APPROVAL OF MINUTES**

Minutes of the Regular Meeting of October 7, 2010 and Special Meeting of October 26, 2010 for approval.

**G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR**

**CONSENT ITEMS (1 - 4)**

**Commission Office**

1. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF TRAVEL FOR VICE PRESIDENT DAVID ARIAN TO SOUTH AMERICA  
Recommendation: Adoption of subject Resolution.

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Engineering

2. Re: RESOLUTION NO. \_\_\_\_\_ - SECOND AMENDMENT – PERSONAL SERVICES AGREEMENT NO. 2644 BETWEEN THE CITY OF LOS ANGELES AND J.L. PATTERSON & ASSOCIATES, INC. FOR THE BERTH 200 RAIL YARD PLANNING, ENGINEERING AND ARCHITECTURAL DESIGN SERVICES

***SUMMARY:*** Agreement No. 2644 (Agreement), between the City of Los Angeles Harbor Department (Harbor Department) and J.L. Patterson & Associates, Inc., (Consultant) of Orange, California, to provide planning, engineering, and architectural design services for the Berth 200 Rail Yard project, was approved by the Board of Harbor Commissioners (Board) on March 7, 2008. The First Amendment was approved by the Board on December 2, 2010 and added \$957,619 to the contract budget bringing the contract total to \$8,011,969. This Second Amendment (Transmittal No. 1) will increase the contract term by four years from the current expiration date of April 2, 2011 to April 2, 2015. This time extension, when approved by the Board and Los Angeles City Council (City Council), will provide the additional time necessary to complete the project design and provide design support services during construction.

**Recommendation:** Board resolve to (1) find that in accordance with the City of Los Angeles (City) Charter Section 1022, work covered under the subject Amendment can be performed more feasibly by an independent consultant rather than by City employees; (2) approve Second Amendment to Agreement No. 2644 with J.L. Patterson & Associates, Inc., to increase the contract term by four years; (3) 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 said Amendment for and on behalf of the Board; and (5) adopt Resolution No. \_\_\_\_\_.

Real Estate

3. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED 36-MONTH LEASE EXTENSION FOR THE UNITED STATES CUSTOMS AND BORDER PROTECTION LABORATORY, TERMINAL ISLAND

**SUMMARY:** In 2005, the City of Los Angeles Harbor Department (Harbor Department) entered into a Memorandum of Understanding (MOU) with the United States General Services Administration (GSA), under which GSA quitclaimed the property located at 300 South Ferry Street on Terminal Island to the Harbor Department. As part of that MOU, the Harbor Department agreed to lease back a portion of the facility to GSA for the operation of the United

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**3. (Continued)**

*States Customs and Border Protection (CBP) laboratory for up to five years under GSA Lease No. GS-09B-1498 (GSA Lease).*

*The five-year lease for use of the facility expired on March 22, 2010. GSA has requested a 36-month lease extension, under renegotiated terms and conditions, utilizing GSA's standard Supplemental Lease Agreement No.1.*

**Recommendation:** Board resolve to (1) approve the three-year period lease extension under the Supplemental Lease Agreement beginning March 23, 2010, and ending March 22, 2013; (2) direct the Board Secretary to transmit the Supplemental Lease Agreement to City Council pursuant to Section 606 of the City Charter; (3) authorize the Executive Director to execute and the Board Secretary to attest to the Supplemental Lease Agreement for lease extension; and (4) adopt Resolution No. \_\_\_\_\_.

**4. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED REVOCABLE PERMIT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND PORT LA DISTRIBUTION CENTER, L.P.**

**SUMMARY:** *Port LA Distribution Center, L.P., and (PLADC), operates an industrial warehouse complex located on Westmont Drive, east of Gaffey Street, in San Pedro. The local community notified the City of Los Angeles Harbor Department (Harbor Department) of an increase in truck traffic in the area, including in residential neighborhoods adjacent to the PLADC site. Consequently, the Harbor Department determined that the posting of a sign on Harbor Department property at the southeast corner of Gaffey Street and Westmont Drive (Subject Property) would assist in providing directional support for truck drivers utilizing the PLADC site. It is recommended that a Revocable Permit (RP) with a monthly compensation rate of \$84 be granted to PLADC for the installation of a monument sign on the Subject Property.*

**Recommendation:** Board resolve to (1) approve the proposed Revocable Permit with Port LA Distribution Center; (2) authorize the Executive Director to execute and the Board Secretary to attest to the proposed Revocable Permit; and (3) adopt Resolution No. \_\_\_\_\_.

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REGULAR ITEMS (5 - 7)

Planning and Economic Development

5. Re: RESOLUTION NO. \_\_\_\_\_ - DISTRIBUTION OF DRAFT  
PORT MASTER PLAN NO. 26 – LA WATERFRONT

**SUMMARY:** *The Port of Los Angeles (Port) proposes to distribute Draft Port Master Plan Amendment No. 26 – LA Waterfront (Draft Amendment No. 26), publish the Notice of Completion of the subject draft amendment, and schedule a public hearing on the draft amendment, as required by the California Coastal Act. The Port Master Plan is typically amended whenever projects change existing land uses or the Port adds or deletes land and water areas. Draft Amendment No. 26 would allow certain elements of the LA Waterfront to be implemented and include the following:*

- *The addition of Commercial and Recreational land uses to the backland area at Berths 183-186 in Wilmington.*
- *Two minor fills to improve the existing bulkhead at Berths 183 and 186 to support a public viewing pier and waterfront promenade.*
- *Creation of two new harbors, the Downtown Harbor and 7th Street Harbor, located in San Pedro at Berths 83 and 85. The new harbors would result in 1.82 acres of new water area.*

**Recommendation:** Board resolve to (1) approve the distribution of Draft Amendment No. 26 to interested persons, organizations, and governmental agencies, including the California Coastal Commission and all Port of Los Angeles tenants; (2) approve the publication of the Notice of Completion for the subject amendment; (3) hold a public hearing for Draft Amendment No. 26 at the Board's regularly scheduled meeting on Thursday, March 17, 2011, at 8:30 a.m. at Banning's Landing Community Center, 100 E. Water Street, Wilmington; and (4) adopt Resolution No. \_\_\_\_\_.

Executive Offices

6. Re: RESOLUTION NO. \_\_\_\_\_ - SECOND AMENDMENT TO  
AGREEMENT NO. 2817 BETWEEN THE CITY OF LOS ANGELES  
AND MISSION INFRASTRUCTURE GROUP COVERING  
TRANSITION SERVICES FOR THE NONPROFIT CREATED TO  
OPERATE THE PORT COMMUNITY MITIGATION TRUST FUND  
(PCMTF)

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6. (Continued)

***SUMMARY: Mission Infrastructure Group was retained in December 2009 to provide “interim entity” services related to the Port Community Mitigation Trust Funds (PCMTF) and creation of the Nonprofit to operate the PCMTF. On October 26, 2010, the Board of Harbor Commissioners approved the PCMTF Operating Agreement which will govern the new Nonprofit. This proposed Second Amendment to Mission Infrastructure’s agreement extends the term of the agreement, adds additional scope of work to assist in the actual creation, organization, and staffing of the Nonprofit leading to a fully functioning Nonprofit, and increases the compensation to Mission Infrastructure.***

7. Re: APPROVAL OF A PAYMENT TO THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY IN CONNECTION WITH THE RESPONSE TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) ORDER NO. OPA CWA 311-09-2011-000, IN AN AMOUNT NOT TO EXCEED \$950,000.

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

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**H. CLOSED SESSION (Continued)**

**3. 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 EPA order on ACTA property.

**4. 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 SA Recycling.

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

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: two cases.

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

Provide instructions to its real estate negotiators with respect to Pacific Cruise Ship Terminals concerning Operating Agreement 2264:

<b>Property:</b>	<b>Berths 91-93, San Pedro, California</b>
<b>City Negotiator:</b>	<b>Kathryn McDermott</b>
<b>Tenant Negotiator:</b>	<b>Jim Callahan</b>
<b>Negotiating Parties:</b>	<b>City and Pacific Cruise Ship Terminals</b>
<b>Under Negotiation:</b>	<b>Price and Terms</b>

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**H. CLOSED SESSION (Continued)**

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

**Provide instructions to its real estate negotiators with respect to TraPac concerning amendment to Permit 881:**

**Property: Berths 136-139, San Pedro, California**

**City Negotiator: Kathryn McDermott**

**Tenant Negotiator: Frank Pisano**

**Negotiating Parties: City and TraPac**

**Under Negotiation: Price and Terms**