



**LOS ANGELES BOARD OF
HARBOR COMMISSIONERS**

Harbor Administration Building
425 S. Palos Verdes Street
San Pedro, California 90731

**REGULAR MEETING AGENDA
THURSDAY, FEBRUARY 9, 2023 AT 9:00 AM**

Board of Harbor Commissioners

President Jaime L. Lee
Vice President Edward R. Renwick
Commissioner Diane L. Middleton
Commissioner Lucia Moreno-Linares
Commissioner Anthony Pirozzi, Jr.

BOARD MEETINGS - The Board's Regular Meetings are held at 9:00 A.M. at the Harbor Administration Building Boardroom as scheduled on the Port's website at www.portoflosangeles.org. A quorum of three of five Commissioners is required to transact business and three Aye votes are required to carry a motion.

**OPPORTUNITIES FOR THE PUBLIC TO ATTEND THE MEETING
AND PROVIDE PUBLIC COMMENTS**

- Members of the public may attend the Board meeting in person at the Harbor Administration Building located at 425 S. Palos Verdes St., San Pedro, CA 90731.
- Live Board meetings may be heard at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside) and (310) 547-CITY (San Pedro Area) with live broadcast accessibility at <https://www.portoflosangeles.org/commission/agenda-archive-and-videos>.
- In-Person Comments: Live, oral public comments will be taken in person, only, and not via teleconference. Members of the public will be given an opportunity to address the Board on (1) any item on the agendas prior to the Board's consideration of that item, including the consent and closed session agenda; and (2) subjects within the subject matter jurisdiction of the Board (general public comment). Members of the public who wish to speak should complete a speaker card indicating the agenda item number on which they will comment, or designate "general public comment." Each speaker is allowed to speak up to 3 minutes per agenda item. The Presiding Officer shall, however, exercise discretion to determine if such period of time should be reduced or extended based upon, but not limited to, such factors as the length of the agenda or substance of the agenda items, the quantity of public comment speaker cards submitted, the need for the Board to conclude its business as expeditiously as is practicable and/or the Board is at risk of losing a quorum, among other factors. Upon request, non-English speakers will be granted additional speaking time for translation assistance.

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- Written comments or materials may be submitted by emailing commissioners@portla.org or brought to the meeting. If you request to distribute documents to the full Commission, please present the Board Secretary with twelve (12) copies. Otherwise, your materials will simply be added to the official meeting record. All written comments or materials submitted for this meeting will be provided to the Commissioners and entered into the official meeting minutes. Please submit your written comments prior to 3:00pm on the day before the scheduled meeting. Requests to distribute literature to the general public attendees of the meeting shall be placed on a literature table outside the Boardroom during and until 30 minutes after the Board meeting.
- ***Para sumetir su comentario en español, se puede enviar a nuestro correo electrónico: commissioners@portla.org, un día antes de la junta, o puede llamar a nuestra Oficina de Comisionados al (310) 732-3444 para grabar su mensaje. Alguien de nuestra oficina estará disponible para traducir su comentario en inglés y entregarlo a los Comisionados del Puerto.***

ADDITIONAL INFORMATION

- Commission actions are not final until the expiration of the next five meeting days of the City Council except actions subject to appeal or review by the Council pursuant to the Charter, ordinance or other applicable law. 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 post the revised agenda on the Port's web site (www.portoflosangeles.org). Updated agendas will also be available at the meeting.
- Notice to Paid Representatives: If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.
- 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.
- If you have any questions regarding meeting procedures, please contact the Harbor Commission Office prior to the meeting at (310) 732-3444.

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ORDER OF BUSINESS

OPEN SESSION

- A. **Roll Call**
- B. **Executive Director Remarks**
- C. **Comment from the Public on Non-Agenda Items**
- D. **Report from the Neighborhood Council Representatives** – An opportunity for Neighborhood Council representatives to provide remarks on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Harbor Commissioners.
- E. **Reports of the Commissioners**
- F. **Board Committee Reports**
- Audit Committee Meeting of January 26, 2023
 - Alameda Corridor Transportation Authority Governing Board Meeting of February 2, 2023
- G. **Approval of the Minutes**
- Special Meeting of January 26, 2023
- H. **Presentation**
- Marine Oil Terminals – Michael Galvin, Director of Waterfront & Commercial Real Estate
- I. **Level I Coastal Development Permit**
- None

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J. Board Reports of the Executive Director

Consent Items (1 - 4)

Cargo & Industrial Real Estate

1. RESOLUTION NO. _____ - APPROVE REVOCABLE LICENSE NO. 2022-10 WITH FENIX MARINE SERVICES, LTD. AND CENTER FOR TRANSPORTATION AND THE ENVIRONMENT, INC.

Summary: Staff requests approval of Revocable License No. 2022-10 (License) with Fenix Marine Services, Ltd. (Fenix) and its contractor, Center for Transportation and the Environment, Inc. (CTE), to use and access the backland area of Berth 301 for a duration of up to 24 months, to test a zero-emission hybrid hydrogen fuel cell/battery electric top handler. License No. 2022-10 serves as the successor entitlement to Temporary Entry and Use Permit Nos. 1784 and 1835 (TEUPs), approved by the Board of Harbor Commissioners on January 14, 2021 and January 27, 2022, respectively, which expire on February 17, 2023. Since these TEUPs were executed, the process utilized for short-term revocable entitlement rights has been improved and updated, and the appropriate entitlement for this activity is now a Revocable License. Apart from providing extra time, the material terms of Revocable License No. 2022-10 are identical in substance to the TEUPs. Additional time is required due to shipping delays of the top handler and a lack of hydrogen fuel supply. As noted in the staff report for the January 2022 Board action, the planned demonstration project is funded under a grant from the California Air Resources Board (CARB). The proposed successor License No. 2022-10 provides Fenix and CTE the necessary real estate entitlement to continue to undertake the demonstration project.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is previously evaluated pursuant to the requirements of the California Environmental Quality Act (CEQA) and categorically exempt from the requirements of CEQA under Article II Section 2(i) and Article III Class 1(14) of the Los Angeles City CEQA Guidelines; (2) approve Revocable License No. 2022-10 with Fenix Marine Services, Ltd. and Center for Transportation and the Environment, Inc.; (3) authorize the Executive Director to execute and the Board Secretary to attest to the Revocable License; and (4) adopt Resolution No. _____.

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Cargo & Industrial Real Estate

2. RESOLUTION NO. _____ - APPROVAL OF FIRST AMENDMENT TO MASTER JOINT REVOCABLE PERMIT NO. 09-17 AMONG PACIFIC PIPELINE SYSTEM LLC AND CITY OF LOS ANGELES HARBOR DEPARTMENT AND PORT OF LONG BEACH, AS JOINT OWNERS

Summary: Staff requests approval of the First Amendment (Amendment) to Master Joint Revocable Permit No. 09-17 (MJRP) among Pacific Pipeline System LLC (Pacific), the City of Los Angeles Harbor Department (Harbor Department or POLA), and the Port of Long Beach (POLB, and with POLA collectively Ports), as joint owners, for subsurface pipeline facility segments owned and maintained by Pacific covering 13,075 square feet of area along the Alameda Corridor in Wilmington, Carson, and Compton; and on the San Pedro Branch line in Wilmington, Long Beach, and South Gate. Staff further requests approval of Pacific's parent guaranty from Plains All American Pipeline, L.P (Parent Guaranty). Under the First Amendment, the following substantive changes are made to the MJRP: 1) adds facilities located in the Ports' right-of-way not previously included in the MJRP, increasing the total permit area from 8,935 square feet to 13,075 square feet; 2) increases the monthly compensation to account for the addition of new facilities and an adjustment to market rates; 3) revises the facilities index exhibits to list additional facilities and expansion in square footage of the premises area; 4) updates the map exhibit per the revised facilities index; and 5) adds a corporate guaranty from Pacific's parent entity. Currently, the Harbor Department receives rent of \$389.51 per month under the MJRP. Under the proposed First Amendment, monthly rent will increase by \$839.91, or 216 percent, to \$1,229.42 per month, or \$14,753.04 per year, retroactive to 2018. Annual rent increases based upon the Consumer Price Index (CPI) will be retroactively applied beginning in 2019, and annually thereafter. The First Amendment requires approval from both Ports' Board of Harbor Commissioners. The POLB Board of Harbor Commissioners approved this Amendment at its meeting held on March 24, 2022.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301 of the State CEQA Guidelines; (2) approve the First Amendment to Master Joint Revocable Permit No. 09-17 among Pacific Pipeline System LLC and the City of Los Angeles Harbor Department and Port of Long Beach, as joint owners; (3) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Master Joint Revocable Permit No. 09-17; (4) approve the Parent Guaranty provided by Plains All American Pipeline, L.P. for Master Joint Revocable Permit No. 09-17; and (5) adopt Resolution No. _____.

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Environmental Management

3. RESOLUTION NO. _____ - APPROVAL OF THE FOURTH AMENDMENT TO GRANT AGREEMENT NO.17-3532 (CEC NO. ARV-16-026) WITH THE CALIFORNIA ENERGY COMMISSION FOR THE EVERPORT ADVANCED CARGO HANDLING DEMONSTRATION PROJECT

Summary: Staff requests approval of the proposed Fourth Amendment to California Energy Commission (CEC) Grant Agreement No. 17-3532 (Agreement) for the Port of Los Angeles' Everport Advanced Cargo Handling Demonstration Project (Project). The proposed Fourth Amendment will modify the project schedule and extend the term of the Agreement until October 31, 2023. The update to the project schedule and extension to the term of the Agreement are due to COVID-19 and supply chain-related delays in the project timeline. Additionally, the proposed Fourth Amendment will add special terms and conditions related to completion of tasks outlined in the scope of work, submission of final report, deadline for grant reimbursement, and payment of liquidated damages if schedule requirements are not met. All other terms and conditions of the Agreement will remain the same. The City of Los Angeles Harbor Department (Harbor Department) has fulfilled its cost share responsibility under the grant by completing the electrical infrastructure development at Berths 226-236 in March 2022. Approval of the proposed Amendment would obligate the Harbor Department to pay \$452,400 in liquidated damages in the event that the scope of work is not completed by October 31, 2023. The CEC has asked for the liquidated damages provision because they are agreeing to a schedule extension that will result in a project completion date that is after the CEC's final funding disbursement deadline.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines; (2) approve the proposed Fourth Amendment to Agreement No. 17-3532 between the City of Los Angeles Harbor Department and the California Energy Commission for the Port of Los Angeles' Everport Advanced Cargo Handling Demonstration Project; (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. _____.

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Environmental Management

4. RESOLUTION NO. _____ - APPROVAL OF THE THIRD AMENDMENT TO SUBRECIPIENT AGREEMENT NO.17-3533 WITH EVERPORT TERMINAL SERVICES INC., BYD MOTORS LLC, AND TAYLOR MACHINE WORKS, INC.

Summary: Staff requests approval of the proposed Third Amendment to Subrecipient Agreement No. 17-3533 between the City of Los Angeles Harbor Department (Harbor Department), Everport Terminal Services, Inc. (Everport), BYD Motors LLC (BYD), and Taylor Machine Works, Inc. (Taylor) to develop and demonstrate five pieces of zero-emissions (ZE) cargo handling equipment for the Port of Los Angeles' Everport Advanced Cargo Handling Demonstration Project (Project). The proposed Amendment will modify the project schedule, extend the term of the Agreement to October 31, 2023, and add certain terms and conditions to align with proposed changes to the associated California Energy Commission (CEC) Grant Agreement. The Fourth Amendment to CEC Grant Agreement No. 17-3532 will be considered by the Board of Harbor Commissioners (Board) under a separate board item. Project costs and participant commitments remain the same. The Harbor Department has met its cost share responsibility under the grant by completing the electrical infrastructure development at Berth 226-236 in March 2022.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively and categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) and Article III Class 6(2) of the Los Angeles City CEQA Guidelines; (2) approve the Third Amendment to Subrecipient Agreement No. 17-3533 between City of Los Angeles Harbor Department, Everport Terminal Services Inc., BYD Motors LLC, and Taylor Machine Works, Inc.; (3) authorize the Board Secretary to transmit said Amendment to the Los Angeles City Council for approval in accordance with Charter Section 373 and Los Angeles Administrative Code Section 10.5(a); (4) upon the approval of City Council in accordance with Los Angeles Administrative Code Section 10.5(a), 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. _____.

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Regular Item No. 5

Environmental Management

5. RESOLUTION NO. _____ - ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE STAR-KIST CANNERY FACILITY PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PERMIT NO. 190311-032; STATE CLEARINGHOUSE NO. 2019129042)

Summary: Staff requests adoption of the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Star-Kist Cannery Facility Project (Project) along with comments and responses to comments, and approval of the proposed Project as described in the Final IS/MND. The proposed Project involves demolition of the former Star-Kist cannery facilities on an approximately 14-acre site on Terminal Island within the Port of Los Angeles (Port). For the purposes of this evaluation, it is assumed that the site will be developed as a chassis repair and maintenance depot, which is consistent with the Port Master Plan (PMP) designation of maritime support. The demolition area would be covered with crushed miscellaneous base (CMB) until such time when the area is ready for development. The City of Los Angeles Harbor Department (Harbor Department) has attempted to reuse these facilities through the Request for Proposal process several times, and no viable options have been found. Demolition has been deemed necessary to create a parcel of land that is more marketable for future development, to reuse and capitalize the site more efficiently, and to remove safety hazards posed from leaving the cannery buildings erect and vacant. This item was originally brought before the Board of Harbor Commissioners (Board) on October 20, 2022, with no Board vote taken. Since that time, staff has been in communication with stakeholders to coordinate on actions to commemorate Star-Kist's association with the historic canning industry. Payment of the costs associated with the Final IS/MND as well as the costs associated with the proposed Project and potential commemorative actions are the responsibility of the Harbor Department.

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5. (Continued)

Recommendation: Board resolve to (1) find that, pursuant to the State California Environmental Quality Act Guidelines (CEQA) Section 15074, the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project, (a) has been completed in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the Star-Kist Cannery Facility Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency; (2) find that, based on the whole record before it, including (a) the information contained in this report and (b) the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project, the proposed Project would not have a significant effect on the environment pursuant to Public Resources Code Section 21080 and State California Environmental Quality Guidelines Section 15070; (3) find that all information added to the Final Initial Study/Mitigated Negative Declaration after the public review period, but before adoption, merely clarifies, amplifies, or makes insignificant modifications, and that recirculation is not necessary; (4) adopt the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project; (5) adopt the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines Section 15074. The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the City of Los Angeles Harbor Department as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval; (6) authorize the Environmental Management Division to file the Notice of Determination for the Star-Kist Cannery Facility Project with the Office of Planning and Research State Clearinghouse and the Los Angeles County Clerk; and (7) adopt Resolution No._____.

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K. Closed Session

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (d)(1) of Government Code Section 54956.9)
Natural Resources Defense Council, et al. v. City of Los Angeles, et al.
Los Angeles Superior Court Case No. BS070017

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (d)(1) of Government Code Section 54956.9)

Natural Resources Defense Council, et al. v. City of Los Angeles, et al.
San Diego Superior Court Case No. 37-2021-00023385-CU-TT-CTL

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

Provide instructions to its real estate negotiators with respect to Permit 999
with China Shipping Holding Company, Ltd.:

Property: Berths 100-103, San Pedro

City Negotiator: Michael DiBernardo

Tenant Negotiator: Paul Nazzaro

Negotiating Parties: City and China Shipping Holding Company, Ltd.

Under Negotiation: Price and Terms

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Subdivision (d)(2) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9:
(two cases)

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

Provide instructions to its real estate negotiators with respect to Permit 718 with Crowley Marine Services, Inc.:

Property:	Berth 86, San Pedro
City Negotiator:	Michael Galvin
Tenant Negotiator:	Faith Rautter
Negotiating Parties:	City and Crowley Marine Services, Inc.
Under Negotiation:	Price and Terms

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

Provide instructions to its real estate negotiators with respect to Permit 882 with Millennium Maritime, Inc.:

Property:	Berth 301, Terminal Island
City Negotiator:	Marisa Katnich
Tenant Negotiator:	Matt Godden
Negotiating Parties:	City and Millennium Maritime, Inc.
Under Negotiation:	Price and Terms

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

Provide instructions to its real estate negotiators with respect to a proposed permit with San Pedro Fish Market:

Property:	Berths 93C, D, E, San Pedro
City Negotiator:	Eugene D. Seroka
Tenant Negotiator:	Michael Ungaro
Negotiating Parties:	City and San Pedro Fish Market
Under Negotiation:	Price and Terms

L. Adjournment