



**LOS ANGELES BOARD OF
HARBOR COMMISSIONERS**

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

**REGULAR MEETING AGENDA
THURSDAY, JULY 11, 2024 AT 10:00 AM**

Board of Harbor Commissioners

Lucille Roybal-Allard, President
Diane L. Middleton, Vice President
Michael Muñoz
Edward R. Renwick
I. Lee Williams

BOARD MEETINGS - The Board's Regular Meetings are held at 10:00 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.
- The Board meeting will also be broadcast live at <https://www.portoflosangeles.org/commission/agenda-archive-and-videos>. Live Board meetings can also be heard at: (213) 621-CITY (Metro), (818) 904-9450 (Valley), (310) 471-CITY (Westside) and (310) 547-CITY (San Pedro Area).
- 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. Members of the public who do not complete their comments within the time allotted, can submit their full comments in writing for inclusion in the record. 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 3:00 pm 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

- Convene in Memory – Ruben Villarruel

B. Approval of the Minutes

- Special Meeting of June 27, 2024

C. Executive Director Remarks

D. Comment from the Public on Non-Agenda Items

E. 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.

F. Reports of the Commissioners

G. Board Committee Reports

None.

H. Presentation

None.

I. Level I Coastal Development Permit

None.

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J. Board Reports of the Executive Director

Consent Items (1 – 4)

Environmental Management

1. RESOLUTION NO. _____ - FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT NO. 21-9815 WITH VOPAK TERMINAL, INC.

Summary: Staff requests approval of the proposed First Amendment to the Vopak Terminal, Inc. (Vopak) Reimbursement Agreement No. 21-9815 (Agreement) to reimburse the City of Los Angeles Harbor Department (Harbor Department) 100 percent of staff and consultant costs associated with the preparation of an environmental assessment for the improvements at Berth 191 and the operation of a Cement Processing Facility at Berth 191. The environmental assessment of the Cement Processing Facility has been merged with the Environmental Impact Report (EIR) currently being prepared to assess the Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) improvements at the Port of Los Angeles (Port) Berths 187-190. If approved, the proposed First Amendment would extend the duration of the existing Agreement by an additional two years, for a total term of five years, and update the estimated cost. No other modifications are proposed. Vopak will continue to be financially responsible for payment of costs associated with the preparation of the environmental assessment.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines; (2) approve the First Amendment to the Vopak Terminal, Inc. Reimbursement Agreement No. 21-9815; (3) direct the Board Secretary to transmit said First Amendment to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5(a) of the Los Angeles Administrative Code; (4) authorize the Executive Director to execute and the Board Secretary to attest to, said First Amendment for and on behalf of the Board; and (5) adopt Resolution No. _____.

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Office of the City Attorney

2. RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND RIMON PC

Summary: The Office of the City Attorney (Office) requests approval of an Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Rimon PC (Rimon) for legal services for bankruptcy matters. The proposed Agreement is for a term of three years and maximum compensation of \$150,000. The Harbor Department is financially responsible for payment of expenses incurred under the proposed Agreement.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines; (2) find that, in accordance with Charter Section 1022 the scope of work for the proposed Agreement can be more economically or feasibly provided by an independent contractor than by City employees; (3) approve a Legal Services Agreement with Rimon PC in the amount of \$150,000 for a three-year term; (4) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement; and (5) adopt Resolution No. _____.

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Cargo Marketing

3. RESOLUTION NO. _____ - APPROVAL OF FOREIGN-TRADE ZONE (FTZ) OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND CHEVRON U.S.A. INC., FTZ 202, SITE B

Summary: Staff requests approval of a Foreign-Trade Zone (FTZ) Operating Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Chevron U.S.A. Inc. (Chevron), to operate its facility within FTZ No. 202, Site B, located at 324 West El Segundo Blvd., El Segundo, CA 90245. Site B consists of 951 acres of refining, storage facilities, and office space located in the city of El Segundo, California. Chevron will operate its facility under the FTZ procedures as a single-usage site. The proposed agreement is for a term of five years with three, five-year renewal options. If the proposed Agreement is approved, the Harbor Department will receive \$10,000 annually from Chevron (per FTZ Tariff No. 2).

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines; (2) approve the proposed Foreign-Trade Zone Operating Agreement between the Harbor Department and Chevron; (3) direct the Board Secretary to transmit the proposed Foreign-Trade Zone Operating Agreement to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code; (4) authorize the Executive Director to execute and the Board Secretary to attest to the proposed Foreign-Trade Zone Operating Agreement; and (5) adopt Resolution No. _____.

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Cargo Marketing

4. RESOLUTION NO. _____ - APPROVAL OF FOREIGN-TRADE ZONE (FTZ) OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND CUSTOMS AIR WAREHOUSE, LLC, FTZ 202, SITE 32

Summary: Staff requests approval of a Foreign-Trade Zone (FTZ) Operating Agreement between the City of Los Angeles Harbor Department (Harbor Department) and Customs Air Warehouse, LLC (Customs Air), to operate its facility within FTZ No. 202, Site 32, located at 12200 Arrow Route, Rancho Cucamonga, CA 91739. Site 32 consists of approximately 240,000 square feet of warehousing and office space located sixty-two miles from the Port of Los Angeles. Customs Air will operate its facility under FTZ procedures as a multi-usage site. The proposed Agreement is for a term of five years with three, five-year renewal options. If the proposed Agreement is approved, the Harbor Department will receive \$7,750 annually from Customs Air (per FTZ Tariff No. 2).

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines; (2) approve the proposed Foreign-Trade Zone Operating Agreement between the Harbor Department and Customs Air Warehouse, LLC; (3) direct the Board Secretary to transmit the proposed Foreign-Trade Zone Operating Agreement to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code; (4) authorize the Executive Director to execute and the Board Secretary to attest to the proposed Foreign-Trade Zone Operating Agreement; and (5) adopt Resolution No. _____.

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Regular Item (5)

Cargo & Industrial Real Estate

5. RESOLUTION NO. _____ - APPROVE THE FIRST AMENDMENT TO PERMIT NO. 750 WITH SA RECYCLING, LLC

Summary: Staff requests approval of the First Amendment to Permit No. 750 with SA Recycling LLC (SA Recycling) to effect the following changes: 1) extend the term by 10 years, changing the expiration date from August 30, 2024, to August 30, 2034, subject to termination with 36 months' notice with a minimum of a five year term; 2) increase compensation and revise the methodology by which compensation is calculated; 3) update the restoration provision for consistency with current laws, rules and regulations, and require a restoration security deposit; and 4) add environmental obligations, including those arising from the Environmental Impact Report certified by the Board of Harbor Commissioners on April 11, 2024. Under the proposed First Amendment, guaranteed compensation would increase from \$3,969,079 to \$6,404,002, effective August 31, 2024.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action has been previously evaluated pursuant to the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(i) of the Los Angeles City CEQA Guidelines; (2) approve the First Amendment to Permit No. 750 with SA Recycling LLC; (3) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment upon approval by the Los Angeles City Council; and (4) 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: (one case)

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5. CONFERENCE WITH LEGAL COUNSEL – INITIATE LITIGATION
(Subdivision (d)(4) of Government Code Section 54956.9) (1 case)

Initiation of litigation pursuant to subdivision (d)(4) of Section 54956.9: (one case)

6. CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION
(Subdivision (d)(2) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (d)(2) of Section 54956.9: (one case)

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

Provide instructions to its real estate negotiators with respect Fenix Marine Services, Ltd., Permit 733:

Property: 614 Terminal Way, San Pedro

City Negotiator: Marisa Katnich

Tenant Negotiator: Steven Trombley

Negotiating Parties: City and Fenix Marine Services, Ltd.

Under Negotiation: Price and Terms

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

Provide instructions to its real estate negotiators with respect to Trapac, LLC, Permit 881:

Property: 630 West Harry Bridges Blvd., Wilmington

City Negotiator: Marisa Katnich

Tenant Negotiator: Ron Triemstra

Negotiating Parties: City and Trapac, LLC

Under Negotiation: Price and Terms

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

Provide instructions to its real estate negotiators with respect to LA Sky Harbor, LLC (LASH), Successor Permit:

Property: Double Tree by Hilton Hotel at 2800 Via Cabrillo Marina,
San Pedro, CA

City Negotiator: Michael Galvin

Tenant Negotiator: Frank Yuan

Negotiating Parties: City and LA Sky Harbor, LLC

Under Negotiation: Price and Terms

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

Provide instructions to its real estate negotiators with respect to Shore Terminals LLC (NuStar Energy L.P.) and Ultramar Inc. (Valero Energy Corporation), Joint Permit and Guaranty:

Property: Berths 163-164, Wilmington, CA

City Negotiator: Michael Galvin

Tenant Negotiator: Jennifer Bligh

Negotiating Parties: City and Shore Terminals LLC (NuStar Energy L.P.) and Ultramar Inc. (Valero Energy Corporation)

Under Negotiation: Price and Terms

L. Adjournment