



LOS ANGELES BOARD OF HARBOR COMMISSIONERS

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

SPECIAL MEETING AGENDA THURSDAY, OCTOBER 18, 2018 AT 8:30 A.M.

Board of Harbor Commissioners

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

BOARD MEETINGS - The Board's Regular Meetings are the first and third Thursday of each month at 8:30 A.M. at the Harbor Administration Building Boardroom or 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. 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 post the revised agenda on the Port's web site (<http://www.portoflosangeles.org>). Updated agendas will also be available at the meeting. Live Board meetings can also be heard at: (213) 621-2489 (Metro), (818) 904-9450 (Valley), (310) 471-2489 (Westside) and (310) 547-2489 (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.

OPPORTUNITIES FOR THE PUBLIC TO ADDRESS THE BOARD - Before reaching those portions of the agenda where Board action is requested, members of the public will be given an opportunity to address the Board on items of interest within the subject matter jurisdiction of the Board (general public comment). Thereafter, members of the public will be given an opportunity to address the Board on any item on the consent or regular agendas prior to or during the Board's consideration of that item. The same opportunity will be given in open session regarding the closed session agenda prior to commencement of closed session. Members of the public who wish to speak during general public comment are to complete a speaker card so indicating. Members of the public who wish to speak regarding a particular agenda item(s) are to complete a speaker card(s) for each such item. Agendas for special meetings will permit the public to address particular agenda items even where the agenda does not include 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 whether such period of time should be reduced or extended based upon such factors as the length of the agenda or substance of the agenda items, the number of public comment speaker cards submitted, the need for the Board to conclude its business as expeditiously as is practicable, and whether 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.

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. 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.

**SPECIAL MEETING AGENDA
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ORDER OF BUSINESS

OPEN SESSION

- A. Roll Call**

- B. Executive Director Remarks**

- C. Comments from the Public on Non-Agenda Items**

- D. Report from the Neighborhood Council Representatives** – An opportunity for a Neighborhood Council to present a Resolution or Motion filed with the Los Angeles Harbor Department to be presented to the Board as it relates to any agenda item being considered or under the purview of the Harbor Department.

- E. Reports of the Commissioners**

- F. Board Committee Reports**

- G. Approval of the Minutes**

Regular Meeting of October 4, 2018

- H. Presentation**

Special Olympics Plane Pull

**SPECIAL MEETING AGENDA
THURSDAY, OCTOBER 18, 2018 AT 8:30 A.M.**

I. Board Reports of the Executive Director

Consent Items (1 – 5)

Engineering

1. RESOLUTION NO. _____ - APPROVAL OF AN EXTENSION TO ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY'S MAINTENANCE AGREEMENT

Summary: Staff requests the Board of Harbor Commissioners adopt a Resolution accepting and providing mutual agreement to the terms of a proposed amendment to the Alameda Corridor Transportation Authority's (ACTA) Maintenance Agreement (Rail Corridor and Non-Rail Components) with Balfour Beatty Infrastructure, Inc. (BBII) dated April 15, 2007. The proposed Amendment extends the term of the Maintenance Agreement up to eight months through August 14, 2019.

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 and provide Mutual Agreement for the terms of the Amendment which consist of an extension to the term of the Alameda Corridor Transportation Authority (ACTA) Maintenance Agreement (Rail Corridor and Non-Rail Components) for up to an additional eight months ending on August 14, 2019; (3) direct the Executive Director to transmit this Resolution to ACTA for further action pursuant to the Amended and Restated Alameda Corridor Use and Operating Agreement; and (4) adopt Resolution No. _____.

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Environmental Management

2. RESOLUTION NO. _____ - FIRST AMENDMENT TO FUNDING AGREEMENT NO. 15-3362 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY TO ALLOW CHEVRON TO UTILIZE HARBOR DEPARTMENT SITE ASSESSMENT AGREEMENTS

Summary: Staff requests approval of a first amendment (First Amendment) to Funding Agreement No. 15-3362 (Agreement No. 15-3362) between Chevron Environmental Management Company (Chevron) and the City of Los Angeles Harbor Department (Harbor Department) to extend it for an additional three years and increase the contract amount by \$197,853. The proposed First Amendment would continue to provide a convenience to one of the Harbor Department's tenants, West Basin Container Terminals (WBCT), by allowing one of the Harbor Department's on-call contractors, in this case Tetra Tech, Inc. (Tetra Tech), to conduct sampling and monitoring activities required of Chevron by the Los Angeles Regional Water Quality Control Board (LARWQCB). Agreement 15-3362 was first approved by the Board of Harbor Commissioners in 2015 to save WBCT the trouble of negotiating a separate access agreement with Chevron to conduct the sampling and monitoring. By the terms of Agreement No. 15-3362 as amended by this First Amendment, Chevron is financially responsible for all work performed by Tetra Tech on its behalf, and Chevron continues to be responsible for any and all continuing requirements set forth by the LARWQCB.

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 Funding Agreement No. 15-3362 between the City of Los Angeles Harbor Department and Chevron Environmental Management Company, a corporation, for \$197,853 and extending the term by three years; (3) authorize the Executive Director to execute and the Board Secretary to attest to, said First Amendment for and on behalf of the Board; and (4) adopt Resolution No. _____.

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Port Police

3. RESOLUTION NO. _____ - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE LOS ANGELES DEPARTMENT OF RECREATION AND PARKS FOR INTEROPERABLE RADIO COMMUNICATIONS

Summary: Staff requests approval of a Memorandum of Understanding (MOU) between the City of Los Angeles Harbor Department (Harbor Department) and the City of Los Angeles Department of Recreation and Parks (RAP) for the purpose of enabling interoperable radio communications. The Harbor Department and the RAP, in fulfilling their respective public safety, law enforcement and emergency management missions, frequently conduct coordinated responses and participate in joint operations. Interoperable radio communication is essential for sharing critical information and for effecting command and control when conducting these operations. Additionally, both parties would like to enable coordination and information sharing with regard to radio communications and system technical information necessary to maintain radio communications plans. The intent of this MOU is to memorialize the understanding between the Harbor Department and the RAP with respect to the information exchange necessary to facilitate interoperable radio communications. The effective date shall be the date of execution by the Executive Director of the Harbor Department upon authorization of the Board of Harbor Commissioners and shall continue until either party withdraws from the MOU. The authorization of this MOU will have no financial impact on the Harbor Department, as there are no costs and or revenues associated with this action.

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 MOU between the Harbor Department and the RAP; (3) authorize the Executive Director to execute and the Board Secretary to attest to the MOU; and (4) adopt Resolution No. _____.

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Commission Office

4. RESOLUTION NO. _____ - APPROVAL OF TRAVEL FOR
COMMISSIONER LUCIA MORENO-LINARES ON A BUSINESS
DEVELOPMENT TRIP TO CHILE

Recommendation: Board resolve to (1) adopt subject Resolution No. _____.

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Environmental Management

5. RESOLUTION NO. _____ - APPROVE REIMBURSEMENT AGREEMENT WITH BNSF RAILWAY FOR ENVIRONMENTAL ASSESSMENT COSTS

Summary: Staff requests that the Board of Harbor Commissioners (Board) approve a reimbursement agreement (Reimbursement Agreement) with BNSF Railway (BNSF) in which BNSF shall reimburse the City of Los Angeles (City) Harbor Department (Harbor Department) for 100 percent of the costs of an environmental assessment under the California Environmental Quality Act (CEQA) for the proposed Southern California International Gateway (SCIG) project (Project). The term of the Reimbursement Agreement is three years. Pending approval of the Reimbursement Agreement, BNSF is financially responsible for the expenses incurred to prepare 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 California Environmental Quality Act (CEQA) in accordance with Article II, Section 2 (f) of the Los Angeles City CEQA Guidelines; (2) approve the Reimbursement Agreement with BNSF Railway for a term of three years; (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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Regular Items (6 – 9)

Environmental Management

6. RESOLUTION NO. _____ - ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PERMIT NO. 180417-060; STATE CLEARINGHOUSE NO. 2018081031)

Summary: Staff requests that the Board of Harbor Commissioners (Board) adopt the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (Project) along with comments and responses to comments, and approve the proposed Project as described in the Final IS/MND. The proposed Project includes critical wharf repairs and a four year lease extension. Payment of the costs associated with the Final IS/MND and the proposed Project is the responsibility of the tenant.

Recommendation: Board resolve to (1) find that, pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15074, the Final Initial Study/Mitigated Negative Declaration for the proposed Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (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 proposed 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 Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (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 Mitigation Monitoring and Reporting Program (MMRP) contained in the Final Initial Study/Mitigated Negative Declaration as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines Section 15074. The MMRP 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; (5) adopt the Final Initial Study/Mitigated Negative Declaration for Berths 118 and 119 [Kinder Morgan] Wharf Repair Project; (6) in consideration of the Final Initial Study/Mitigated Negative Declaration, together with the comment letters received and the responses to comments, approve the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project;

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6. (Continued)

(7) authorize the Environmental Management Division to file the Notice of Determination for the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project with the Los Angeles City and County Clerks; and (8) adopt Resolution No._____.

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Port Police

7. RESOLUTION NO. _____ - APPROVAL OF FIRST AMENDMENT TO AGREEMENT 17-3548 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND TIMOTHY J. RILEY FOR PUBLIC SAFETY TECHNOLOGY PROJECT MANAGEMENT AND COORDINATION

Summary: Staff requests approval of a First Amendment to Agreement 17-3548 with Timothy J. Riley (Consultant), Laguna Niguel, California for the provision of additional professional services to include the research, development, recommendation and implementation of supply chain technologies for improved efficiency, security, resiliency, tracking and goods movement visibility to benefit the Harbor Department. The Harbor Department needs specialized expertise that is technical in nature to assist with the implementation of complex cyber programs and technology for improved supply chain efficiencies. The First Amendment would expand the scope of work under Agreement 17-3548 and will increase the Consultant's hourly compensation rate from \$99.50 to \$145.00. However, the total compensation under Agreement 17-3548 will remain unchanged at \$517,500. All remaining terms and conditions of Agreement No. 17-3548 shall remain in full force and effect.

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 the proposed Agreement qualifies for award on a sole source basis as a contract for the performance of professional, technical and special services of a temporary or occasional character for which competitive bidding is not practicable or advantageous, pursuant to Los Angeles City Charter, Section 371(e)(2) and Los Angeles Administrative Code Section 10.15.(a)(2); (3) find that in accordance with the Los Angeles City Charter Section 1022, the services required can be performed more feasibly by an outside contractor than by City employees; (4) approve the First Amendment between the Harbor Department and Timothy J. Riley; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Agreement; and (6) adopt Resolution No. _____.

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Waterfront & Commercial Real Estate

8. RESOLUTION NO. _____ - APPROVE FIRST AMENDMENT TO THE AMENDED AND RESTATED LEASE NO. 904A WITH ALTASEA AT THE PORT OF LOS ANGELES

Summary: Staff requests approval of the First Amendment to the Amended and Restated Lease No. 904A (Lease) with AltaSea at the Port of Los Angeles (AltaSea). The premises, located at City Dock No. 1 and consisting of 34.75 acres, is for water-dependent, academic, and governmental uses, and a non-profit and for-profit marine research facility. AltaSea is a tenant in good standing and has complied with all provisions of the Lease. The proposed First Amendment will waive the required monetary compensation (rent) from AltaSea in the amount of \$136,222 for certain portions of the Business Innovation Hub (generally Parcels B58 to B61A and B61C) in consideration of unforeseen and significant delays to secure the necessary electrical power for the site and receive revenues from prospective tenants. The waiver of rent will be effective from the time AltaSea took possession of the subject parcels, September 11, 2018, until the end of the Interim Compensation Period, August 22, 2019, when it is anticipated that the electrical power will be secured.

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 Article III, Class 1 (14) of the Los Angeles City CEQA Guidelines; (2) approve the First Amendment to Amended and Restated Lease No. 904A with AltaSea at the Port of Los Angeles; (3) direct the Board Secretary to transmit the First Amendment to Amended and Restated Lease No. 904A to the City Council for approval pursuant to Section 606 of the City Charter; (4) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Amended and Restated Lease No. 904A upon approval by City Council; and (5) adopt Resolution No. _____.

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Engineering

9. RESOLUTION NO. _____ - APPROVAL OF 2019 ALAMEDA CORRIDOR OPERATIONS AND MAINTENANCE BUDGETS

Summary: Staff requests the Board of Harbor Commissioners adopt a Resolution accepting and providing mutual agreement to the 2019 Alameda Corridor Operations and Maintenance Budget in the amount of \$12,829,567. The source of funds for this budget will be from the two railroads operating on the Alameda Corridor and from the Alameda Corridor Transportation Authority (ACTA) Reserve Account. There is no financial responsibility on the part of the Harbor Department to fund the proposed action.

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 and provide Mutual Agreement for the 2019 Alameda Corridor Operations and Maintenance Budget in the amount of \$12,829,567; (3) direct the Executive Director to transmit this Resolution to Alameda Corridor Transportation Authority (ACTA) for further action pursuant to the Amended and Restated Alameda Corridor Use and Operating Agreement; and (4) adopt Resolution No. _____.

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J. Level I Coastal Development Permit

The Executive Director proposes to approve one Level I CDP:

CDP No. 18-19 Kinder Morgan – MOTEMS required wharf repairs at B. 118-119

K. Closed Session Items

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

Fast Lane Transportation, Inc. v. City of Los Angeles, et al., Contra Costa Superior Court Case No. CIVMSN14-0300 consolidated with Case Nos. CIVMSN14-0308, CIVMSN14-0309, CIVMSN14-0310, CIVMSN14-0311, CIVMSN14-0312, and CIVMSN14-0313

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

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

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

Provide instructions to its real estate negotiators with respect to a proposed permit with Pasha Stevedoring Services:

Property: Berths 174-181, Wilmington

City Negotiator: Jack Hedge

Tenant Negotiator: Jay Bowden

Negotiating Parties: City and Pasha Stevedoring Services

Under Negotiation: Price and Terms

L. Adjournment