



LOS ANGELES BOARD OF HARBOR COMMISSIONERS

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

REGULAR MEETING AGENDA THURSDAY, SEPTEMBER 5, 2019 AT 9:00 A.M.

Board of Harbor Commissioners

President Jaime L. Lee

Commissioner Diane L. Middleton

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 9:00 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.

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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 August 22, 2019

H. Presentation

Final Supplemental Environmental Impact Report for Berths 97-109 (China Shipping) Container Terminal Project – Gene Seroka

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I. Level I Coastal Development Permit

The Executive Director has approved one Level I CDP:

CDP No. 19-09 Shell Oil Products U.S. (Shell) – Install Injection Wells, Groundwater Monitoring Wells, Soil Gas Probes, and a Biosparge System at Berths 167-169

J. Board Reports of the Executive Director

Consent Items (1 - 4)

Office of the City Attorney

1. RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND ALVARADOSMITH PC AND BERGMAN DACEY GOLDSMITH PLC

Summary: The Office of the City Attorney (Office) requests approval of two Legal Services Agreements (Agreements) between the City of Los Angeles Harbor Department (Harbor Department) and the law firm of AlvaradoSmith PC (AlvaradoSmith) as well as the law firm of Bergman Dacey Goldsmith PLC (Bergman Dacey Goldsmith) for legal services for real estate matters, litigation support, eminent domain and inverse condemnation. The Agreements are for a term of three years with each Agreement having a compensation authority of \$200,000. The Harbor Department is financially responsible for payment for legal services rendered under the proposed Agreements.

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 in accordance to Charter Section 1022 that the scope of work of the proposed Agreement can be more economically and feasibly provided by an independent contractor than by City employees; (3) approve a Legal Services Agreement with AlvaradoSmith in the amount of \$200,000 for a three-year term and approve a Legal Services Agreement with Bergman Dacey Goldsmith in the amount of \$200,000 for a three year term; (4) authorize the Executive Director and Board Secretary to execute and attest to the Agreement; and (5) adopt Resolution No. _____.

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Office of the City Attorney

2. RESOLUTION NO. _____ - INCREASE IN ANNUAL REIMBURSEMENT FOR ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY CO-GENERAL COUNSEL

Summary: The Office of the City Attorney (Office) requests approval of the Second Amendment (Second Amendment) to the Memorandum of Agreement (MOA) between the City of Los Angeles Harbor Department (Harbor Department) and the Alameda Corridor Transportation Authority (ACTA) for reimbursement of Co-General Counsel legal services provided to ACTA. The proposed Second Amendment will increase the annual reimbursement amount from the current level of \$125,000 per year to \$150,000 per year. ACTA will be financially responsible for reimbursing the Harbor Department for legal services rendered by the Office.

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 Second Amendment to the Memorandum of Agreement between the City of Los Angeles Harbor Department and the Alameda Corridor Transportation Authority increasing ACTA's reimbursement for Co-General Counsel legal services to the Harbor Department from \$125,000 to \$150,000 per year; (3) authorize the Executive Director and Board Secretary to execute and attest the Second Amendment; and (4) adopt Resolution No. _____.

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Office of the City Attorney

3. RESOLUTION NO. _____ - WAIVING THE POTENTIAL CONFLICT FOR BEVERIDGE & DIAMOND'S REPRESENTATION OF NUSTAR ENERGY

Summary: The Office of the City Attorney ("Office") requests approval of a conflict waiver for the law firm of Beveridge & Diamond ("B&D") to represent a party in a transaction with the Harbor Department. B&D has requested a conflict waiver so that the law firm may represent NuStar Energy ("NuStar") in its proposal to repair and make improvements to its leased wharf at the Port of Los Angeles, and that it may continue to represent the City of Los Angeles in connection with issues related to biosolids and related litigation. This decision has no financial impact on the Harbor Department.

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) formally waive any potential conflict that might arise from Beveridge & Diamond's representation of NuStar in its proposal to repair and make improvements to its leased wharf at the Port of Los Angeles and that it may continue to represent the City of Los Angeles in connection with issues related to biosolids and related litigation; (3) authorize the Office of the City Attorney to execute a written conflict waiver; (4) adopt Resolution No. _____; and (5) authorize and direct the Board Secretary to transmit the conflict waiver to the City Council for its approval.

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Construction & Maintenance

4. RESOLUTION NO. _____ - AWARD OF CONTRACT NO. 39877 TO CLEVELAND TRACK MATERIAL, INC. FOR THE PURCHASE OF SPARE RAIL TRACK JOINTS FOR THE BADGER AVENUE BRIDGE

Summary: Staff requests approval of Contract No. 39877 with Cleveland Track Material, Inc. of Cleveland, OH for the procurement of four (4) rail track joints in the bridge structure of the Badger Avenue railroad drawbridge. The cost of the four pieces of equipment is \$292,146, including sales tax. Although the existing joints were replaced in 2018, there is a need to have spare joints readily available in order to maintain the operational integrity of the Badger Avenue Bridge, a vital rail transportation link serving Terminal Island. Due to the long lead time involved in obtaining the joints, i.e. one year, this acquisition will be included in the upcoming Fiscal Year 2020-21 capital improvement program budget. This contract is the financial responsibility of the Harbor Department.

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 Contract No. 39877 with Cleveland Track Material, Inc. for the purchase of four (4) rail track joints for the Badger Avenue Bridge in the amount of \$292,146 and authorize said expenditures; (3) authorize the Executive Director to execute and Board Secretary to attest to Contract No. 39877 for and on behalf of the Board; and (4) adopt Resolution No. _____.

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Regular Items (5 – 7)

Construction

5. RESOLUTION NO. _____ - AWARD AND APPROVAL OF CONTRACT CONSULTANTS: ARCADIS, BERG & ASSOCIATES, DHS CONSULTING, AN ANSER ADVISORY COMPANY, HARRIS & ASSOCIATES, AND INTEGRATED ENGINEERING MANAGEMENT ON-CALL CONSTRUCTION MANAGEMENT SERVICES

Summary: Staff requests approval to execute the five subject agreements to provide on-call construction management services for various construction projects throughout the Port of Los Angeles (Port). Services will include, but are not limited to, construction management, cost estimating, constructability reviews, scheduling and other related construction management services. The consultants will augment Construction Division staff during peaks in the Construction Division's workload, and/or when specialized expertise is required. The number, sizes, and types of projects assigned to the selected consultants will be determined based on the needs of the Construction Division. Five consultants are recommended to provide these services. Arcadis is located in Los Angeles; Berg & Associates is a small business located in San Pedro; DHS Consulting, an Anser Advisory Company (DHS) is located in Santa Ana; Harris & Associates is located in Los Angeles; and Integrated Engineering Management (IEM) is a small business located in San Pedro. Each of the five agreements are for \$2,000,000, with a duration of five years. The total maximum appropriation applicable to the five agreements is \$10,000,000.

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) award the five-year personal services Agreements to Arcadis, Berg & Associates, DHS, Harris & Associates and IEM, in the amount of \$2,000,000 each; and authorize payment from the Construction Management Services account; (3) direct the Board Secretary to transmit the proposed Agreements 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 these Agreements for and on behalf of the Board; and (5) adopt Resolution No. _____.

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Environmental Management

6. RESOLUTION NO. _____ - ACCEPTANCE AND APPROVAL OF SUBRECIPIENT AGREEMENTS FOR THE ZERO EMISSION SHORE TO STORE DEMONSTRATION PROJECT GRANT WITH THE CALIFORNIA AIR RESOURCES BOARD

Summary: Staff requests that the Board of Harbor Commissioners accept and approve Subrecipient Agreements with Kenworth Truck Company (Kenworth), the Port of Hueneme (POH), and National Renewable Energy Laboratory (NREL) to carry out the proposed California Air Resources Board (CARB) zero emissions “Shore to Store” project (Project). On February 21, 2019, CARB executed a grant award to the City of Los Angeles Harbor Department (Harbor Department) in the amount of \$41,122,260 to administer a proposed Project. Through this proposed Project, the Harbor Department would partner with Kenworth, POH, NREL and Equilon Enterprises LLC d/b/a Shell Oil Products US, to develop and demonstrate on-road hydrogen fuel cell and off-road battery electric zero emissions vehicles, together with supporting fueling infrastructure. On March 7, 2019, the Board of Harbor Commissioners (Board) accepted CARB’s grant award and approved Grant Agreement No. 19-3969 for the proposed Project.

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 Subrecipient Agreement between the City of Los Angeles Harbor Department and Kenworth Truck Company to perform its portion of the Shore to Store Demonstration Project; (3) approve the Subrecipient Agreement between the City of Los Angeles Harbor Department and the Port of Hueneme to perform its portion of the Shore to Store Demonstration Project; (4) approve the Funds-in Agreement between the City of Los Angeles Harbor Department and National Renewable Energy Laboratory to perform its portion of the Shore to Store Demonstration Project; (5) authorize the Executive Director to execute and the Board Secretary to attest to said Subrecipient Agreements with the California Air Resources Board for and on behalf of the Board; (5a) said Subrecipient Agreements with Kenworth Truck Company and with the Port of Hueneme; and (5b) the Funds-in Agreement with National Renewable Energy Laboratory for and on behalf of the Board; and (6) adopt Resolution No. _____.

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Environmental Management

7. RESOLUTION NO. _____ - TECHNOLOGY ADVANCEMENT PROGRAM GRANT AGREEMENT WITH EFFENCO DEVELOPMENT INC., AND COST SHARE AGREEMENT WITH THE PORT OF LONG BEACH FOR THE ZERO-EMISSION IDLING CARGO HANDLING EQUIPMENT DEMONSTRATION PROJECT

Summary: Staff requests approval of a Grant Agreement with Effenco Development Inc. (Effenco) located in Montreal, Canada, to demonstrate zero-emission idling equipment on six yard tractors at APM Terminals (APMT). Staff also requests approval of a Cost Share Agreement with the Port of Long Beach (POLB) to split the proposed project cost. The total requested Technology Advancement Program (TAP) funding amount is \$180,000. The City of Los Angeles Harbor Department (Harbor Department) is financially responsible for the \$180,000 under this Board action of which \$90,000 will be reimbursed through the cost share with POLB.

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 Grant Agreement with Effenco Development Inc. for the total not-to-exceed amount of \$180,000; (3) approve the Cost Share Agreement with the Port of Long Beach for the reimbursement of \$90,000 from the Port of Long Beach to the City of Los Angeles Harbor Department, as established by the Clean Air Action Plan Master Cost Sharing Agreement No. 2546; (4) authorize the Executive Director to execute and the Board Secretary to attest to the Grant Agreement with Effenco Development Inc. for and on behalf of the Board; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Cost Share Agreement with the Port of Long Beach, for and on behalf of the Board; and (6) adopt Resolution No. _____.

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K. Closed Session Items

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

City of Los Angeles v. Tetra Design, Inc., et al.,
Los Angeles Superior Court Case No. NC061384

2. 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

3. 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

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:
(one case)

5. 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)

L. Adjournment