



# LOS ANGELES BOARD OF HARBOR COMMISSIONERS

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

## REGULAR MEETING AGENDA THURSDAY, OCTOBER 7, 2021 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.

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### BOARD OF HARBOR COMMISSIONERS MEETING PROCEDURES FOR COVID-19

The following procedures are in place for the Board of Harbor Commissioners meeting as a precaution against the spread of COVID-19. Procedures may change as the situation changes so please review these procedures posted on the meeting agendas prior to the meeting taking place.

- The Port of Los Angeles Harbor Commission Board Room will NOT be accessible for public observance of the meeting or public comment pursuant to Executive Order N-29-20 issued by Gov. Newsom on March 17, 2020.
- The Board of Harbor Commissioners will participate by teleconference.
- Members of the public can observe the meeting via webcast at [www.portoflosangeles.org](http://www.portoflosangeles.org)
- 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).

### UPDATED INSTRUCTIONS TO PARTICIPATE IN PUBLIC COMMENT

- Written comments or materials may be submitted by emailing [commissioners@portla.org](mailto:commissioners@portla.org). 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 before 4:00pm on the day before the meeting. Please limit your written comment to one page. You may attach materials in addition to your comment to be distributed to the Commissioners.
- Members of the public can provide a live comment by calling (310) 732-3444. Commission Staff will be available to receive your call and provide Zoom meeting access information. Please provide your name and phone number in order for Staff to identify participants in the Zoom meeting. If Commission Staff is not available to receive your call, please leave a voicemail at (310) 732-3444 with your name and your telephone number for a return call. All calls will be verified. All live comments will be entered into the official meeting minutes. Please note that phone call comments regarding Open Session can be accepted up until the item is considered by the Board.
- Due to the limitations of technology, we request that you submit all comments prior to the meeting. Requests to provide comments after the start of the meeting may prove challenging. If you have any questions regarding these temporary meeting procedures, please contact the Harbor Commission Office prior to the meeting at (310) 732-3444.
- Para sumetir su comentario en español, se puede enviar a nuestro correo electrónico: [commissioners@portla.org](mailto:commissioners@portla.org), un día antes de la junta, o puede llamar a nuestra Oficina de Comisionados al (310) 732-3969 para grabar su mensaje. Alguien de nuestra oficina estará disponible para traducir su comentario en inglés y entregarlo a los Comisionados del Puerto. Por cualquier pregunta, pueden comunicarse con Mario Saborío al (310) 732-3931.

**REGULAR MEETING AGENDA  
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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 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**

None.

**G. Approval of the Minutes**

- Special Meeting of September 23, 2021

**H. Presentation**

None.

**I. Level I Coastal Development Permit**

None.

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**J. Board Reports of the Executive Director**

**Consent Items (1 – 6)**

Cargo & Industrial Real Estate

1. RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF FIVE-YEAR REVIEW OF REVOCABLE PERMIT NO. 95-25 WITH DOW CHEMICAL COMPANY

Summary: Staff requests approval of the continuation of Revocable Permit No. 95-25 (RP 95-25) with Dow Chemical Company (Dow) for a subsurface pipeline comprising 550 square feet located at 804 Pennington Avenue, Wilmington. Approval of the proposed action will entitle the tenant to continue occupancy of the premises on a month-to-month basis. Further, monthly rent under RP 95-25 of \$96.25 will continue, subject to a compensation reset in November 2021, if RP 95-25 is not sooner terminated.

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 CEQA in accordance with Article III Class 1(18(f)) of the Los Angeles City CEQA Guidelines; (2) approve the continuation of Revocable Permit No. 95-25 with Dow Chemical Company; and (3) adopt Resolution No. \_\_\_\_\_.

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Cargo & Industrial Real Estate

2. RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF MASTER JOINT REVOCABLE PERMIT NO. 17-07 AMONG THE CITY OF SOUTH GATE AND CITY OF LOS ANGELES HARBOR DEPARTMENT AND PORT OF LONG BEACH, AS JOINT OWNERS

Summary: Staff requests approval of Master Joint Revocable Permit (MJRP) No. 17-07 among the City of South Gate (SG), the City of Los Angeles Harbor Department (Harbor Department), and the Port of Long Beach (POLB), (collectively Ports), as joint owners, for the maintenance and operation of 16 facilities consisting of ten subsurface uses and six surface uses located at former Union Pacific Railroad San Pedro Branch in South Gate. This MJRP includes: 1) the continuation of 15 existing surface and subsurface facilities, and 2) one new sewer line that will service a new housing project. The initial annual rent to be paid by SG is \$15,680, which will be split equally between the Ports, and is subject to annual increases based on the Consumer Price Index (CPI). As a 50 percent joint owner, the Harbor Department will receive \$7,840 in rent. Of the 16 parcels, 11 (totaling 5,412 square feet), will not be assessed rent as they are located in public right-of-way and/or cover facilities incidental to the operation and maintenance of the joint rail facilities. This MJRP requires approval from the Board of Harbor Commissioners of both Ports. The Port of Long Beach's Board of Harbor Commissioners approved this MJRP at its meeting on September 20, 2021.

Recommendation: Board resolve to (1) find that the Director of Environmental Management has determined that the proposed action is categorically and statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301, Section 15303, and Section 15282(k) of the State CEQA Guidelines; (2) approve Master Joint Revocable Permit No. 17-07 among the City of South Gate 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 Master Joint Revocable Permit No. 17-07; and (4) adopt Resolution No. \_\_\_\_\_.

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Port Police

3. RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT FOR REIMBURSEMENT OF URBAN AREA SECURITY INITIATIVE FUNDS FOR FISCAL YEAR 2018

Summary: Staff requests approval of a First Amendment to a Memorandum of Agreement (MOA) between the City of Los Angeles (City) and the City of Los Angeles Harbor Department (Harbor Department) for the reimbursement of funds allocated to the Harbor Department under the Fiscal Year (FY) 2018 Urban Area Security Initiative (UASI) Grant Program. The First Amendment reduces the original amount of the MOA from \$3,493,729 to \$3,424,692. The item approved for grant reimbursement by the Harbor Department was Phase II of a Land Mobile Radio Upgrade Project in the amount of \$3,493,729. The project was completed under budget by \$69,037, therefore a reimbursement request of \$3,424,692 was requested and received by the Harbor Department. In order to complete the grant close out, the City of Los Angeles Mayor's Office requires that the MOA is amended to reflect the actual reimbursement amount of \$3,424,692.

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 between the City of Los Angeles and the City of Los Angeles Harbor Department under the Fiscal Year 2018 Urban Area Security Initiative for the actual reimbursement amount of \$3,424,692, allowing the Mayor's Office to close out the grant; (3) authorize the Executive Director to execute and the Board Secretary to attest to the MOA First Amendment; and (4) adopt Resolution No. \_\_\_\_\_ accepting the Grant Award for UASI FY 2018.

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Risk Management

4. RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO AGREEMENT NO. 21-9807 WITH NATEC INTERNATIONAL INC.

Summary: Staff requests the Board of Harbor Commissioners' (Board) approval of the First Amendment (Transmittal 2) to Harbor Department Agreement No. 21-9807 with NATEC International Inc. (NATEC), which provides as-needed supplementary health and safety training and services. The Harbor Department's Agreement 21-9807 is a not-to-exceed three-year agreement approved by the Board at its June 3, 2021 meeting. The proposed First Amendment will revise Section 5, Compensation and Payment, to include rates for online courses, which were previously only available as in-person instruction. Payment of services incurred under this Agreement will continue to be 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) find that in accordance with the Los Angeles City Charter Section 1022, it is more feasible for outside consultants to perform this work than City employees; (3) approve the proposed First Amendment (Transmittal 2) to Harbor Department Agreement 21-9807 between the Harbor Department and NATEC International Inc. (4) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No. 21-9807; and (5) adopt Resolution No. \_\_\_\_\_.

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Environmental Management

5. RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO AGREEMENT NO. 18-3608 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND BNSF RAILWAY COMPANY FOR REIMBURSEMENT OF ENVIRONMENTAL ASSESSMENT COSTS

Summary: Staff requests approval of a First Amendment to Agreement No. 18-3608 (Agreement) with BNSF Railway Company (BNSF) for reimbursement of 100 percent of the costs associated with the environmental assessment required under the California Environmental Quality Act (CEQA) for the Southern California International Gateway (SCIG) project (Project). The First Amendment would extend the term of the Agreement by an additional two years, for a total of five years, to expire on October 29, 2023. 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 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 Agreement No. 18-3608 with BNSF Railway Company extending the term by two years to October 29, 2023; (3) direct the Board Secretary to transmit the Amendment to City Council for approval pursuant to Charter Section 373 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 Amendment to Agreement No. 18-3608 upon approval by City Council; and (5) adopt Resolution No. \_\_\_\_\_.

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Environmental Management

6. RESOLUTION NO. \_\_\_\_\_ - PROPOSED REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND ORCEM AMERICAS, INC.

Summary: Staff requests approval of a proposed Reimbursement Agreement (Agreement) with Orcem Americas, Inc. (Orcem) to reimburse the City of Los Angeles Harbor Department (Harbor Department) one hundred percent of staff and consultant costs associated with the review and oversight of an environmental document for the construction of a proposed seven-acre dry-bulk terminal located at Berths 191-194. The proposed Agreement is for a term of three years with an estimated amount of \$300,000. Orcem is financially responsible for these expenditures.

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 proposed Reimbursement Agreement with Orcem Americas, Inc. to reimburse the City of Los Angeles Harbor Department for review and oversight costs of the environmental assessment for the construction of a proposed dry-bulk terminal located at Berths 191-194 for a contract term of three years and for an estimated base amount of \$300,000; (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 (7 & 8)**

Community Relations

7. RESOLUTION NO. \_\_\_\_\_ - COMMUNITY INVESTMENT GRANTS FOR INTERNATIONAL TRADE EDUCATION PROGRAMS, INC. DBA EXP, AND LOS ANGELES MARITIME INSTITUTE

Summary: Staff requests approval of the proposed agreements between the City of Los Angeles Harbor Department and International Trade Education Programs, Inc. dba EXP (EXP), and Los Angeles Maritime Institute (LAMI) for Community Investment Grants supporting their educational programs (Agreements). EXP (formerly ITEP) and LAMI were selected through the Community Investment Grant Program process. The proposed Agreements are for two years in the amounts of: 1) EXP - \$335,000 each year for a total of \$670,000; and 2) LAMI - \$260,000 each year for a total of \$520,000. The combined two-year total for these Agreements is \$1,190,000. The Harbor Department is financially responsible for funding 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 that the proposed Community Investment Grants are consistent with the criteria of the Board-approved Sponsorship/Hosting Policy (March 2010); (3) approve the proposed Agreement with EXP for a term of two years and a total not-to-exceed amount of \$670,000; (4) approve the proposed Agreement with LAMI for a term of two years and a total not-to-exceed amount of \$520,000; (5) authorize the Executive Director and the Board Secretary to execute and attest to the proposed Agreements with EXP and LAMI; and (6) adopt Resolution No. \_\_\_\_\_.

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Cargo & Industrial Real Estate

8. RESOLUTION NO. \_\_\_\_\_ - APPROVE FIRST AMENDMENT TO REVOCABLE PERMIT NO. 19-10 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND TOLL GLOBAL FORWARDING SCS (USA) INC.

Summary: Staff requests approval of the First Amendment to Revocable Permit No. 19-10 (RP) with Toll Global Forwarding SCS (USA) Inc. (Toll) for premises located at 2401 E. Pacific Coast Highway in Wilmington. The First Amendment will extend the expiration date from October 7, 2021 to January 31, 2022, subject to termination by either party with 30 days' prior written notice. All other terms conditions of the RP remain unchanged. Pursuant to the terms of the RP, monthly rent during this extension period will be \$473,232.98.

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) find that, due to the exigent circumstances arising from supply chain congestion, it is in the best interest of the City of Los Angeles Harbor Department to holdover Revocable Permit No. 19-10 for a short, interim period of time while staff completes the solicitation process for a successor agreement; (3) approve the First Amendment to Revocable Permit No. 19-10 with Toll Global Forwarding SCS (USA) Inc.; (4) authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Revocable Permit No. 19-10; and (5) 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)

Harbor Performance Enhancement Center, LLC v. City of Los Angeles Harbor Department, et al., United States District Court Case No. 2:20-cv-03251

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.  
Los Angeles Superior Court Case No. BS070017

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.  
San Diego Superior Court Case No. 37-2021-00023385-CU-TT-CTL

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)

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: (two cases)

6. 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

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**K. (Continued)**

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

Provide instructions to its real estate negotiators with respect to Permit 900 with WWL Vehicle Services Americas, Inc.:

Property: 500 East Water Street, Wilmington

City Negotiator: Marisa Katnich

Tenant Negotiator: Peter Bresnee

Negotiating Parties: City and WWL Vehicle Services Americas, Inc.

Under Negotiation: Price and Terms

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

Provide instructions to its real estate negotiators with respect to a proposed revocable permit with Eastview Little League, Inc.:

Property: Knoll Hill and 1501 S. Harbor Blvd., San Pedro

City Negotiator: Michael Galvin

Tenant Negotiator: Anthony Dobay

Negotiating Parties: City and Eastview Little League, Inc.

Under Negotiation: Price and Terms

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**K. (Continued)**

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

Provide instructions to its real estate negotiators with respect to an exclusive negotiating agreement with Bellwether Financial Group:

Property: Berth 44, San Pedro  
City Negotiators: Michael Galvin  
Tenant Negotiator: Joe Ueberroth  
Negotiating Parties: City and Bellwether Financial Group  
Under Negotiation: Price and Terms

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

Provide instructions to its real estate negotiators with respect to Lease 915 with San Pedro Public Market LLC:

Property: Berths 74-83, San Pedro  
City Negotiator: Michael Galvin  
Tenant Negotiator: Eric Johnson  
Negotiating Parties: City and San Pedro Public Market LLC  
Under Negotiation: Price and Terms

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**K. (Continued)**

11. 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**