ORDINANCE NO. ORD-19-0030


WHEREAS, the Board of Harbor Commissioners of the City of Long Beach has adopted Ordinance No. HD-2314 on October 14, 2019, a complete copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

WHEREAS, Ordinance No. HD-2314 of the Board of Harbor Commissioners of the City of Long Beach authorizes, subject to ratification by the City Council, the execution and delivery by the Executive Director of the Harbor Department of the City of Long Beach of an Agreement and Master Agreement, both with the City of Los Angeles, as well as documents referenced therein, and making certain findings and determinations relating thereto; and

WHEREAS, this City Council concurs in the findings of, and wishes to approve, confirm and ratify the actions taken by, the Board of Harbor Commissioners of Ordinance No. HD-2314; and

WHEREAS, the Board has found and ordained that the Agreement and Master Agreement are subsequent approvals contemplated and within the scope of the Final Environmental Impact Report for the Pier B On-Dock Rail Support Project (FEIR)
(Project) certified as complete by the Board on January 22, 2018.

NOW, THEREFORE, the City Council of the City of Long Beach finds, determines and ordains as follows:

Section 1. The City Council of the City of Long Beach hereby finds and determines, in accordance with the provisions of CEQA, that the Agreement and Master Agreement and the documents referenced therein are subsequent approvals contemplated by and within the scope of the FEIR.

Sec 2. The City Council of the City of Long Beach hereby concurs in the findings of, and approves, confirms and ratifies the actions taken by, the Board of Harbor Commissioners of the City of Long Beach in Ordinance No. HD-2314.

Sec. 3. The City Clerk shall certify to the passage of this ordinance by the City Council and shall cause the same to be posted in three (3) conspicuous places in the City of Long Beach. This ordinance shall take effect on the later of 31st day after its approval by the Mayor of the City of Long Beach.
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of November 12, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo, Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Andrews, Richardson.

Approved: 11/19/19 (Date)

Mayor

City Clerk
ORDINANCE NO. HD-2314

AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE EXECUTIVE DIRECTOR OF AN AGREEMENT AND MASTER AGREEMENT, BOTH WITH THE CITY OF LOS ANGELES, AS WELL AS DOCUMENTS REFERENCED THEREIN, MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATING THERETO; DECLARING URGENCY THEREOF AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, the Board of Harbor Commissioners of the City of Long Beach (Board) desires to enter into an Agreement Between the City of Long Beach and the City of Los Angeles ("Agreement") as well as documents referenced therein with the City of Los Angeles;

WHEREAS, the Board desires to enter into a Master Agreement as well as documents referenced therein with the City of Los Angeles, acting by and through its Board of Harbor Commissioners; and

WHEREAS, the Board on January 22, 2018 certified the Final Environmental Impact Report for the Pier B On-Dock Rail Support Project (FEIR) (Project) as complete in accordance with the California Environmental Quality Act (CEQA), adopted a statement of overriding considerations and a mitigation monitoring and reporting program, approved the project, and approved a harbor development permit.

NOW, THEREFORE, the Board of Harbor Commissioners of the City of Long Beach finds, determines and ordains as follows:

Section 1. The Board hereby finds and determines, in accordance with
the provisions of CEQA, that:

1.1 The execution of the Agreement and Master Agreement, as well as documents referenced therein, copies of which in substantially the form presented to the Board, are available for inspection in the office of the Administrative Officer of the Board and by this reference made a part hereof, are subsequent approvals contemplated by and within the scope of the FEIR for the Project.

1.2 None of the conditions described in California Public Resources Code Section 21166 or Title 14 of the California Code of Regulations, Section 15162, that call for the preparation of a subsequent or supplemental environmental impact report have occurred:

1.2.1 There are no substantial changes in the Project, which will or would require major revisions of the FEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the FEIR.

1.2.2 No substantial changes have occurred with respect to the circumstances under which the Project will be undertaken, which will or would require major revisions of the FEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of the significant effects previously identified in the FEIR.

1.2.3 No new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence, at the time the FEIR was certified as complete, has become available which shows any of the following:

1.2.3.1 that the Project will have one or more significant effects not discussed in the FEIR;

1.2.3.2 that significant effects previously examined will be substantially more severe than shown in the FEIR;
1.2.3.3 that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Board declines to adopt the mitigation measures or alternatives; or

1.2.3.4 that mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment, but the Board declines to adopt the mitigation measures or alternatives.

Sec. 2. Subject to ratification by the Long Beach City Council, the Executive Director of the Harbor Department of the City of Long Beach is hereby authorized to execute the Agreement and Master Agreement as well as documents referenced therein referred to in Section 1, as long as such documents are substantially in the form presented to the Board all of which are hereby approved.

Sec. 3. The Director of Environmental Planning of the Long Beach Harbor Department, whose office is located at 415 West Ocean Boulevard, Long Beach, California 90802, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Board’s decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (Government Code Sections 6250 and following).

Sec. 4. The Director of Environmental Planning shall file a notice of determination with the County Clerk of the County of Los Angeles and with the state Office of Planning and Research within five (5) working days after ratification by the Long Beach City Council of the Agreement and Master Agreement.

Sec. 5. This ordinance is an emergency measure which shall take effect immediately. This ordinance is urgently required because the City of Long Beach, a municipal corporation, acting by and through its Board of Harbor Commissioners, needs to expedite ratification by the City Council of this transaction in order to effectuate timely
development of the Project and facilitate the transaction with the City of Los Angeles who is attempting to timely develop its properties.

Sec. 6. This ordinance is an emergency ordinance duly adopted by the Board on October 14, 2019 by a vote of at least three (3) of its members and shall take effect immediately.

Sec. 7. This ordinance shall also be adopted by the Board as a regular ordinance, to the end that in the event of any defect or invalidity in connection with the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be and become effective on the thirty-first day after its final passage.

I hereby certify that on a separate roll call and vote which was taken by the Board of Harbor Commissioners of the City of Long Beach upon the question of the emergency of this ordinance at its meeting of October 14, 2019 the ordinance was declared to be an emergency by the following vote:

Ayes: Commissioners: Colonna, Bynum, Egoscue

Noes: Commissioners: __________________________

Absent: Commissioners: Lowenthal, Neal

Not Voting: Commissioners: __________________________
I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the Board of Harbor Commissioners of the City of Long Beach by the following vote:

Ayes: Commissioners: Colonna, Bynum, Egoscue

Noes: Commissioners: 

Absent: Commissioners: Lowenthal, Neal

Not Voting: Commissioners: 

I further certify that the foregoing ordinance was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of , 2019 by the following vote:

Ayes: Commissioners: 

Noes: Commissioners: 

Absent: Commissioners: 

Not Voting: Commissioners: 

Secretary
AFFIDAVIT OF POSTING

STATE OF CALIFORNIA ) ss
COUNTY OF LOS ANGELES )
CITY OF LONG BEACH )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 14th day of November 2019, I posted three true and correct copies of Ordinance No. ORD-19-0030 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

[Signature]

Subscribed and sworn to before me
This 14th day of November 2019.

[Signature]
CITY CLERK