

**MINUTES
LOS CERRITOS WETLANDS AUTHORITY (LCWA)
BOARD MEETING
August 1, 2019**

The meeting was held at the Conservation Corp of Long Beach, 340 Nieto Ave., Long Beach 90814. The meeting was called to order by Chair Sam Schuchat at approximately 12:39 p.m.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. ROLL CALL**

MEMBERS PRESENT:

Mr. Roberto Uranga
Mr. Sam Schuchat
Mr. Joe Kalmick
Ms. Suzie Price

MEMBERS ABSENT:

STAFF PRESENT:

Mark Stanley, Executive Officer
Salian Garcia, Fiscal Manager
Sally Gee, Project Manager
David Edsall, Jr., Deputy Attorney General

- 4. PUBLIC COMMENT**

There were no public comments.

- 5. CHAIR'S REPORT**

Chair Schuchat mentioned that there was a Resource Bond in the works and the bill was with the Senate where, if passed, there will be large amounts of monies for RMC and the Coastal Conservancy. There were no other comments given.

- 6. APPROVAL OF MINUTES**

One set of minutes for Board Meeting from May 2, 2019.

Board voted – 4 Ayes; 0 Nays; 0 Abstentions. Minutes were passed.

The meeting went into Closed Session at approximately 12:44pm. The meeting resumed at approximately 1:08pm.

REGULAR CALENDAR

7. STATUS REPORT ON WORK PLAN IMPLEMENTATION

A. LAND MANAGEMENT UPDATE

Marcelo Ceballos stated that in the last three months Tidal Influence has been conducting trail maintenance and fence line maintenance due to the high volume of rainfall this season, trash cleanups have been conducted. Mr. Ceballos also stated that last week, Seal Beach Police Department began their maintenance on their water line which also involves the LCWA property.

Eric Zahn stated that OC Vector contacted him last week and during their inspection for mosquitos, they came across a leak at the Seal Beach water line. Mr. Zahn also stated that a game plan was discussed with the City of Seal Beach, an emergency permit was issued, and the leak was worked on diligently.

There were no questions.

B. LOS CERRITOS WETLANDS STEWARDSHIP PROGRAM COORDINATOR UPDATE

Daniel North stated that the nature walks have attracted big crowds in the past 3 months including an entire Cub Scout troop who had the opportunity to see the Pacific green sea turtles for the first time.

Mr. North stated that 88 volunteers helped propagate over 500 plants that will be cared for until time for planting.

Mr. North stated that in early May, Atlas Obscura hosted 2 Turtle Treks along the San Gabriel River who were accompanied by reporters from the New York Times and interviewed tour leaders about the resident sea turtle population.

Mr. North stated that in April, the Stewardship Program hosted the first ever Bioblitz event which is a city-wide citizen science data collection activity that allowed students and community members to document wildlife species on a massive scale.

Mr. North mentioned that two Wildlife Biology classes consisting of almost 60 students from Long Beach City College attended service-learning events in the Zedler Marsh restoration area and helped to remove 500 pounds of non-native vegetation. Mr. North ended with summer environmental education opportunities have returned to Los Cerritos Wetlands as the city of Long Beach's BeSAFE program returns for another series of wetlands field trips.

C. EL DORADO AUDUBON UPDATE

Mary Parsell stated that the El Dorado Audubon Society has been conducting these walks since 1979 and it all began on the parcel that is now called the Steam Shovel Slough.

Ms. Parsell stated that in May at the Hellman lowlands, they saw Killdeer, Greater Yellowlegs, herons, egrets, Cooper's Hawk, Red-tailed Hawk, Black Phoebe, Say's Phoebe, Barn Swallows, Hooded Oriole and Common Yellowthroat for a total of 29 species .

Ms. Parsell stated that in June on the Hellman lowlands, it was a typical overcast morning sky with Meadowlark, Lesser Goldfinch and Red-winged Blackbird for a total of 20 avian species.

Ms. Parsell stated that in July on the Hellman lowlands, it was a Summer overcast morning sky with Barn Swallow, Cliff Swallow, Hooded Oriole and Common Yellowthroat for a total of 18 species observed.

D. HOMELESS RELOCATION PROGRAM UPDATE

Lenny Arkinstall stated that a tour was provided on the Synergy property with the Prosecutor's office and all of their interns. Mr. Arkinstall also stated that they are down to the last homeless camp and "Jimmy" is open to the idea of receiving help.

Mr. Arkinstall stated that new No Trespassing signs have been installed on the Bryant West lease property and the cleanup is almost done on the property.

E. LCWA RESTORATION PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT UPDATE

Eric Zahn stated that staff has been diligently working on transitioning from a conceptual restoration Plan Program to an Optimized comprehensive restoration plan.

Mr. Zahn also stated that some technical reports have been reviewed and some are being finalized, staff is also working with the tribal groups.

F. EXPENDITURES REPORT

Salian Garcia gave a brief synopsis of the FY 2018/2019 budget and summarized the Expenditures and Revenues as of June 30, 2019.

8. PRESENTATION OF STUDEBAKER ROAD BUSINESS PARK PROJECT BY PANATTONI DEVELOPMENT

Mr. Mark Payne, a partner of Panattoni, provided a power point presentation.

Anna asked how many employees will be in the building? Mr. Payne answered that he did not know at this point but that there were 145 parking spaces for cars.

Chair Schuchat asked if Pannattoni was giving thought to light use. Mr. Payne answered yes they have.

Mary Parsell asked who's bird safe standards are you using. Mr. Payne answered that he is not an expert in that area, but he does have an expert in his development team and he asked for Mary's contact information so that his expert could get in touch with her.

Vice Chair Price stated that she has seen samples of the glass Pannattoni is going to use and it will be consistent with SEASIP. She also stated that she asked Pannattoni to bring their project to the LCWA Board before having anymore community outreach to make the Board aware of what they are planning.

Ms. Price asked if the board could make an informal written resolution preliminarily approving the support of the Pannattoni Development project.

Counsel answered yes there could be an informal resolution voted upon.

Elizabeth Lambe asked what the timeline was. Mr. Payne answered public review would take place within 10 days, there was probably 6 months for permits and the groundbreaking will take place, 8 months after for construction of building and during that time, the wetlands restoration will be taking place.

Elizabeth Lambe asked if all analysis was going to be put in technical reports. Mr. Payne assured Ms. Lambe that they would be.

Chair Schuchat suggested that LCWA staff provide direction to staff of Pannattoni to coordinate with developer and to submit written letter for the preliminary support of the donation of private lands to public hands.

Vice Chair Price motioned for a formal resolution to be written up, Board member Uranga seconded the motion. Board voted: 4 ayes; 0 nays; 0 abstentions.

9. CONSIDERATION OF A RESOLUTION AUTHORIZING STAFF TO ADOPT THE LCWA BUDGET FISCAL YEAR 2019/2020.

Salian gave a synopsis of the 2019/2020 budget revenues and expenses with a total budgeted revenue of \$1,617,073 and expenditures were balanced with the revenues.

Salian further stated that total revenues for FY 19/20 have increased by \$44,120 from FY 18/19 primarily due to increased lease revenue and grant agreements scheduled to end during FY 19/20. Salian mentioned that LCWA expects an increase in expenses including incremental budget changes in grant and land management services and consultant services and the administration expenses in the amount of \$10,191 are detailed by line item in the attached budget summary.

Board member Kalmick moved to approve Item 9; Vice Chair Price seconded the motion.
Board voted – 4 Ayes; 0 Nays; 0 Abstentions. Item 9 passed.

10. CONSIDERATION OF A RESOLUTION TO ENTER LEASE AGREEMENTS WITH CURRENT COMMERCIAL TENANTS ON THE OTD PARCEL.

Salian Garcia stated that the annual lease agreement for the OTD parcel was formerly leased by Atkinson Construction and was amended in August 2015 to D&S Washouts Systems, a subcontractor to Atkinson, in late 2016 Atkinson subleased to Ellis Equipment Inc. and on March 13, 2017 the lease agreement was amended to allow Ellis Equipment Inc. to assume the lease as the new tenant through September 20, 2017.

Salian further stated the agreement was subsequently renewed for a two-year term with a lease end date of September 30, 2019 and both Ellis Equipment Inc. and D&S

Washouts Systems are interested in entering a new lease agreement for one year which begins on October 1, 2019 and ends on September 30, 2020 with a new annual lease fee.

Vice Chair Price motioned to pass this item. Board Member Uranga seconded the motion.
Board Voted – 4 Ayes, 0 Nays, 0 Abstentions. Item 10 passed

11. **CONSIDERATION OF A RESOLUTION TO RATIFY A PROFESSIONAL SERVICES CONTRACT WITH GINETTA GIOVINCO OF THE LAW FIRM RICHARDS WATSON GERSHON (RWG) TO PROVIDE LEGAL REPRESENTATION RELATED TO THE MATTER OF PUVUNGA WETLANDS PROTECTORS V. CALIFORNIA COASTAL COMMISSION, ET AL, LOS ANGELES SUPERIOR COURT CASE NO. 19STCP00435.**

David Edsall stated due to LCWA being a local agency and not a state agency, LCWA is required to retain outside counsel for the litigation in the matter of Puvunga Wetlands Protectors vs. the California Coastal Commission.

David also stated LCWA has been named as a real party and interest in this litigation in its role of co-applicant of the coastal development being challenged. He also stated because of hearings already on-going, LCWA was compelled to engage counsel with RWG Law at \$295 per hour.

Vice Chair Price moved to approve Item 11. Board Member Uranga seconded the motion.
Board voted – 4 Ayes; 0 Nays; 0 Abstentions. Item 11 passed.

12. **CONSIDERATION OF A RESOLUTION TO ENTER INTO AGREEMENTS FOR LEGAL AND PROFESSIONAL SERVICES CONTRACTS RELATING TO THE LAND TRANSFER AGREEMENT AND UPPER LOS CERRITOS WETLANDS MITIGATION BANK.**

David Edsall stated LCWA entered into the Land Swap Option Agreement back in 2016 which requires the management of the mitigation bank site located on the Synergy Oil Field.

David further stated he reached out to seven different lawyers throughout the State who possessed significant experience with mitigation bank legal issues and with the help of Sally Gee, it was determined that David Snow of RWG possessed the best combination of experience, price and commitment to efficiency in review for and hourly rate of \$295.

David mentioned that in order to retain a technical consultant, LCWA reached out to five different firms throughout the Southern California Area who possessed significant experience with mitigation banks and in evaluating those quotes, it was determined that Moffat and Nichol possessed the best experience and price in review for a not to exceed fee of \$10,000.

Board Member Kalmick moved to approve Item 12. Vice Chair Price seconded the motion.
Board voted – 4 Ayes; 0 Nays; 0 Abstentions. Item 12 passed.

13. **PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT LAND SWAP AGREEMENT BETWEEN LOS CERRITOS WETLANDS**

AUTHORITY AND LOS CERRITOS WETLANDS, LLC FOR THE APN 7237-019-809; 7237-017-010 THRU 014; 018; 019; LCWA NEGOTIATORS: MARK STANLEY AND PROPERTY OWNER NEGOTIATOR: JOHN MCKEOWN AND MICHAEL DI SANO. UNDER CONSIDERATION: PRICE AND TERMS.

- 14. PURSUANT TO GOVERNMENT CODE SECTION 54956.8, LCWA MAY HOLD A CLOSED SESSION TO CONSIDER THE DRAFT APPRAISAL REPORT AND THE DRAFT PURCHASE AND SALE AGREEMENT BETWEEN LOS CERRITOS WETLANDS AUTHORITY AND BRYANT DAKIN LLC FOR THE APN 7237-020-053; 054; LCWA NEGOTIATORS: MARK STANLEY AND PROPERTY OWNER NEGOTIATOR: STEVE BRYANT AND KEVIN BRAZIL. UNDER CONSIDERATION: PRICE AND TERMS.**
- 15. PURSUANT TO GOVERNMENT CODE SECTION 54956.8(D)(1), LCWA MAY HOLD A CLOSED SESSION TO DISCUSS THE MATTER OF *PUVNUGA WETLANDS PROTECTORS V. CALIFORNIA COASTAL COMMISSION, ET AL.*, LOS ANGELES SUPERIOR COURT CASE NO. 19STCP00435.**

Closed Session began at approximately 12:44pm and ended approximately at 1:08pm. The Board received information and advice and provided direction.

16. ORAL COMMUNICATIONS

- A. STATEMENTS, RESPONSES, QUESTIONS OR DIRECTIONS TO STAFF PURSUANT TO SECTION 54954.2(A) OF THE GOVERNMENT CODE.**

Next meeting will be November 7 at the Seal Beach Fire Station #48.

B. FUTURE AGENDA ITEMS

17. ADJOURNMENT UPON COMPLETION OF BUSINESS

Chair Schuchat adjourned the meeting at approximately 2:00 p.m.

X

Sam Schuchat
Chair

X

Dena Williams
LCWA Board Secretary