

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK
Council and Public Services
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Los Angeles, CA 90012
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HELEN GINSBURG
Chief, Council and Public Services Division

04-1645-S1

CD 15

July 6, 2005

Councilmember Hahn
Councilmember Rosendahl
Councilmember Parks
Harbor Department
Board of Harbor Commissioners

Handwritten: 4-15 the Permit

RE: ASSERTING JURISDICTION OVER THE JUNE 22, 2005 ACTION OF THE BOARD OF HARBOR COMMISSIONERS RELATIVE TO TERMINATING THE PERMIT FOR AMERIGAS' USE OF A PIPELINE RIGHT-OF-WAY AT THE PORT OF LOS ANGELES

At the meeting of the Council held on July 5, 2005, the attached Motion (Miscikowski - Parks) was RECEIVED AND FILED.

Handwritten signature: Frank T. Martinez

City Clerk
crm

PLACE IN FILES
JUL 12 2005
DEPUTY
Handwritten signature

JUN 28 2005

61

MOTION

TO CITY CLERK FOR PLACEMENT ON NEXT
REGULAR COUNCIL AGENDA TO BE POSTED

#61

AmeriGas Propane, L.P., reputed to be the nation's largest propane company, has been operating a liquefied petroleum gas (LPG, such as butane or propane) receiving and loading facility at Berth 120 in the West Basin of the Port of Los Angeles under a Port permit for use of a pipeline right-of-way and a tertiary berth assignment.. AmeriGas has been receiving excess butane by underground pipeline primarily from two oil refineries (BP North America and Valero) and has been storing the butane in two 12 million-gallon, refrigerated storage tanks, which are located on privately-owned land on North Gaffey Street in San Pedro. AmeriGas has been transporting its butane by pipeline to Berth 120 for loading onto ships for export.

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Knowing that its permit for use of the pipeline right-of-way was to expire on May 27, 2004, AmeriGas asked the Port in December 2003 to begin negotiations for a successor permit. The Harbor Department notified AmeriGas in February 2004 that its permit would not be renewed because, under the Port Master Plan, the preferred use for the area occupied by the pipeline is to be for expansion of the adjacent container storage uses.

On February 19, 2004, the Port Community Advisory Committee (PCAC, a standing committee of the Board of Harbor Commissioners), approved a Motion proposing that the Board of Harbor Commissioners not renew the pipeline permit with AmeriGas. PCAC's action was in response to local residents who have feared that the flammable material stored in AmeriGas' tanks pose a dangerous risk to nearby communities.

Prior to the expiration of AmeriGas' pipeline permit in May 2004, the Board granted "month-to-month holdover status" to AmeriGas, pending the outcome of a public forum on the permit, to be sponsored by local neighborhood councils. News articles indicate that the three neighborhood councils in San Pedro have supported the immediate termination of AmeriGas' pipeline permit, but that neighborhood councils in Wilmington and Harbor City have preferred to allow AmeriGas to continue using its pipeline until it can relocate its storage tanks. If AmeriGas cannot use its pipeline, its representatives have said that they will have to transport butane supplies by truck and by rail through local neighborhoods—an undesirable result from the neighborhoods' perspectives. The public forum for neighborhood councils, held on July 18, 2004, concluded with a request that AmeriGas and its two oil refinery clients find a way to terminate the storage tank facility operations on North Gaffey Street.

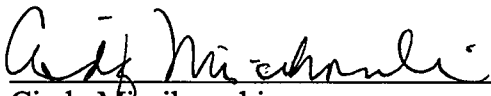
Unfortunately, during the intervening year, the Harbor Department and AmeriGas have been unable to find another suitable location for its storage tanks in the vicinity of either the Port of Los Angeles or the Port of Long Beach. While AmeriGas says that it needs 20 acres to operate its two storage tanks, no land area that large has been identified to be available. On Tuesday, June 21, 2005, the Commerce, Energy & Natural Resources Committee recommended that the Harbor Commission be asked to postpone for 30 days any action on the PCAC Motion proposing that AmeriGas' pipeline permit not be renewed, pending an attempt by a proposed City-led task force to work with the involved parties to find a solution for relocation of AmeriGas' storage tank operation. The Committee felt, on a vote of 2-1, that the City should make one last effort to

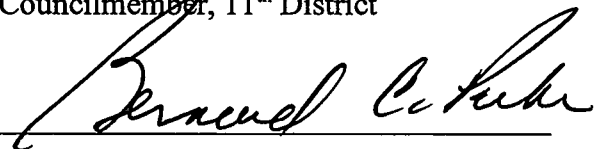
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find a way to avoid the dangerous transport of butane by truck or rail through local communities. However, the Board of Harbor Commissioners chose to act on Wednesday, June 22, 2005 to concur with the Port Community Advisory Committee, and terminated AmeriGas' permit for use of the pipeline right-of-way that connects Berth 120 with AmeriGas' storage tanks in San Pedro.

I THEREFORE MOVE that, pursuant to Charter Section 245, the City Council hereby asserts jurisdiction over the action taken by the Board of Harbor Commissioners on June 22, 2005 to terminate AmeriGas' permit for use of a pipeline right-of-way at the Port (Board Agenda Item E.III.1 re PCAC Recommendation No. 17 - Unloading of LPG and Like Products at Berth 120 and the Pipeline Permit Not Be Renewed), in order to allow the Council the opportunity to hold a broader discussion of the potential impacts of closing AmeriGas' access to its pipeline, as well as to allow additional time for efforts to be made to relocate AmeriGas' huge butane storage tanks; and

I FURTHER MOVE that, upon assertion of jurisdiction, this matter be referred to the Commerce, Energy and Natural Resources Committee for further review.

PRESENTED BY 
Cindy Miscikowski
Councilmember, 11th District

SECONDED BY 

JUL 05 2005 - Received and Filed

COUNCIL VOTE

Jul 5, 2005 10:29:57 AM, #3

Items for which Public Hearings Have Not Been Held - Items 20-64

Voting on Item(s): ~~22-56, 58-60, 62-64~~

61

Received and Filed

Roll Call

CARDENAS	Yes
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
LABONGE	Absent
PARKS	Yes
PERRY	Yes
REYES	Yes
ROSENDAHL	Yes
SMITH	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes
VACANT	Absent
VACANT	Absent

Present: 12, Yes: 12 No: 0

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CITY OF LOS ANGELES SPEAKER RD

Date 07-05-05

Council File No., Agenda Item, or Case No. [Handwritten]

I wish to speak before the LA City Council Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal (X) Against proposal () General comments

Name: David Rivera

Business or Organization Affiliation: San Pedro Peninsula Homeowners United

Address: 1913 Taper Ave San Pedro CA 90731

Home Business phone: 310 831-9492 Representing: Homeowners in area

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: []

Client Name: Phone #:

Client Address: Street City State Zip

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JUL 05 2005

CITY ~~OF~~ LOS ANGELES SPEAKER

RD

~~64~~

Date

7-5-05-

Council File No., Agenda Item, or Case No.

101

I wish to speak before the

L.A. City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

Name: Shirley Earlise Starke () Against proposal
(x) General comments

Business or Organization Affiliation: None

Address: 2125 W. 25th St. San Pedro, CA 90732
Street City State Zip

Business phone: None Representing: Myself

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CITY OF LOS ANGELES SPEAKERS BUREAU

ARD

Date
7/5/05

Council File No., Agenda Item, or Case No.
11 # 61

I wish to speak before the CITY Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal
Name: Noel Park (X) Against proposal
() General comments

Business or Organization Affiliation: San Pedro & Peninsula Homeowner Coalition

Address: 3233 S. Walker Ave San Pedro CA 90731
Street City State Zip

Business phone: (562) 804-5205 Representing: above

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JUL 05 2005

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CITY OF LOS ANGELES SPEAKER CARD

Date 7-5-05

Council File No., Agenda Item, or Case No. Item 11661

I wish to speak before the LOS ANGELES City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda?
Name: LUCY MESTIA
[X] Against proposal
() General comments

Business or Organization Affiliation: WILMINGTON CITIZENS COMMITTEE

Address: 606 Bay View, #116, Wilm., CA 90742
Street City State Zip

Business phone: (310) 830-9515 Representing: SELF

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5

CITY OF LOS ANGELES SPEAKER CARD

Date 7-5-05

Council File No., Agenda Item, or Case No. Item 11 & 61

I wish to speak before the LOS ANGELES CITY COUNCIL Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal (X) Against proposal () General comments

Name: SKIP BALDWIN

Business or Organization Affiliation: WILMINGTON CITIZENS COMMITTEE

Address: 632 N. BROAD AV, WILMINGTON, CA 90744 Street City State Zip

Business phone: (310) 834-7968 Representing: SELF

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CITY OF LOS ANGELES SPEAKERS BUREAU

Date 7/5/05

Council File No., Agenda Item, or Case No. 11-61

I wish to speak before the Los Angeles City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda?
Name: Ken Melendez

Business or Organization Affiliation:
Address: 1327 Hunt Terrace Harbor City CA 90760
Business phone: 310 530-4536 Representing:

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JUL 05 2005

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CITY OF LOS ANGELES SPEAKER'S BOARD

Date July 5, 2005

Council File No., Agenda Item, or Case No. 11, 61

I wish to speak before the LA City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal
() Against proposal
Name: Kathleen Woodfield () General comments

Business or Organization Affiliation: SUS S. BARDINS ST
Address: SUN REDFO, CA 90731
Street City State Zip

Business phone: _____ Representing: _____

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Client Address: _____
Street City State Zip

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9

CITY OF LOS ANGELES SPEAKER

ARD

Date 6-05-05

Council File No., Agenda Item, or Case No. 11461

I wish to speak before the LA CITY COUNCIL Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal (X) Against proposal () General comments Name: CHUCK HART

Business or Organization Affiliation: HOME CENTER

Address: 1027 SINTZLER ST. SAN PEDRO CA 90731 Street City State Zip

Business phone: Representing:

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Client Address: Street City State Zip

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7

CIT = LOS ANGELES SPEAKE IRD

Date 7-5-05

Council File No., Agenda Item, or Case No. 11461

I wish to speak before the L.A City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal (X) Against proposal () General comments

Name: Bonnie M Chris Jensen

Business or Organization Affiliation: San Pedro Homeowner's United, Inc

Address: 2109 Amelia Ave San Pedro, CA 90731
Street City State Zip

Business phone: Representing:

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Client Address: Street City State Zip

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10

CITY OF LOS ANGELES SPEAKER

.RD

Date 7-5-05

Council File No., Agenda Item, or Case No. 11, 61

I wish to speak before the City Council
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

- () Against proposal
- () General comments

Name: JESSE N. MARGUEZ

Business or Organization Affiliation: COALITION FOR A SAFE ENVIRONMENT

Address: 140 W. Compton Blvd WILMINGTON CA 90744
Street City State Zip

Business phone: 310-704-1265 Representing: RESIDENTS

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Client Address: _____
Street City State Zip

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