



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Thursday, January 9, 2020

2:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, Commissioner Zucchet, and Commissioner Bonelli

Excused: 0

Absent: 0

Commissioner Zucchet was excused until he arrived at 2:06 pm.

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Pledge of Allegiance.

Commissioner Bonelli led the Pledge of Allegiance.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

D. Board Committee Reports.

Commissioner Valderrama provided a report on the Tidelands Activation Program Advisory Committee. Commissioner Valderrama explained that the committee received a presentation from staff on the Tidelands Activation Program (TAP) and the improvement to the on-line application process. The fiscal year 2021 TAP application was released in November and closed on January 8, and based on the proposed timeline staff anticipates presenting final funding recommendations to the Board in April.

Chair Moore provided a report on the Audit Oversight Committee. Chair Moore explained that the Audit Oversight Committee met on December 12, 2019. The agenda included a presentation from the District's external auditors, Macias, Gini and O'Connell (MGO) on their review of the District's financial statements and federal grants for Fiscal Year 2019. The managing partner, Kevin Starkey, provided an update on new GASB rules that will impact the District's financial reporting in the future. The Committee recommended the approval of the Audited Financial Statements and Single Audit Report to the Board for Approval. In addition, the agenda covered minor Revisions to BPC Policy 35; language to include core values for the Port Auditor's Office as well as other minor changes. The committee recommended the approval of changes to the Board for Approval. Mark Yeilding, Acting Port Auditor, presented the Port Auditor's status report on audit activities

related to the District's audit plan for Fiscal Year 2020. In addition, he presented an update on the tenant risk assessment process for annual audit planning. The Port Auditor also discussed the status of hotline reports received through the District's Ethics Hotline after the September 19th Committee meeting.

E. Commissioners' Reports.

Commissioner Bonelli reported that he testified on the behalf of the Port of San Diego at the San Diego County Regional Airport Authority regarding the final Environmental Impact Report (EIR). Commissioner Bonelli explained that the Port's comments included requests for public transportation to the airport and an outbound road to help improve mobility around the Bay.

Commissioner Bonelli then explained, as outgoing Chair, that during the swearing in ceremony he recognized Lesley Nishihira, Director, Planning, for her spectacular work with public outreach regarding the Port Master Plan Update project in 2019.

Chair Moore explained that as she was not present at the December Board meeting, she wanted to take the opportunity to thank former Chair Bonelli for his excellent work during 2019, and she appreciated his wonderful leadership.

Chair Moore then announced the retirement of Laura Nicholson, Deputy District Clerk, after 29 years of service. Chair Moore thanked Laura for all her hard work, commitment, and dedication over the years, and stated that she will be missed--and the Board meetings will not be the same without her.

F. President's Report.

Randa Coniglio, President/CEO, announced that the Port had a great 2019, and to close out the year the public enjoyed a series of pop-up music and dance performances at the foot of the Broadway Pier throughout the month of December to help celebrate the holidays at the Port. The performances were organized by the Waterfront Arts & Activation department and are part of the Port's continued mission to enhance the visitor experience on the waterfront. Ms. Coniglio then shared a short video of the events during December.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda related information was received by the Commissioners after the publication of the agenda for the following item: Item 8 - File No. 2019-0506.

Ms. Morales then announced that staff requested to continue the following items: Consent Agenda Item 4 - File No. 2020-003, Consent Agenda Item 6 File No. 2019-0526, and Public Hearing Agenda Item 11 - File No. 2019-0504.

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

2020-0005 Approval of minutes for:

December 10, 2019 - CLOSED SESSION

December 10, 2019 - BPC MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Zucchet, the Board approved the minutes. The motion carried by the following vote:

Yeas: 4 - Castellanos, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 2 - Malcolm, and Moore

Recused: 0

CONSENT AGENDA

Commissioner Merrifield requested that Consent Agenda Item 8 - File No. 2019-0506 be pulled from consent for discussion.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted the revised Consent Agenda as follows: Resolution 2020-001; Resolution 2020-002; Resolution 2020-003; Resolution 2020-004; Resolution 2020-005; Ordinance 2967; and Ordinance 2968. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

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1. 2019-0525 RESOLUTION ACCEPTING AND FILING THE EXTERNAL AUDITOR'S REPORT ON THE AUDIT OF THE DISTRICT'S FINANCIAL STATEMENTS AND SINGLE AUDIT FOR THE YEAR ENDING JUNE 30, 2019

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-001 as part of the Consent Agenda.

 2. 2019-0469 RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT 285-2017MA WITH RICK ENGINEERING, AMENDMENT NO. 1 TO AGREEMENT 287-2017MA WITH FMF PANDION, AND AMENDMENT NO. 1 TO AGREEMENT 286-2017MA WITH TETRA-TECH, INC. FOR AS-NEEDED STORMWATER MANAGEMENT SERVICES INCREASING THE MAXIMUM EXPENDITURE BY \$750,000 FOR A NEW AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000, EXTENDING THE AGREEMENT UNTIL JUNE 30, 2022, AND ESCALATING THE FULLY BURDENED HOURLY BILLING RATES BY 3% PER YEAR, EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2022 FOR RICK ENGINEERING AND FMF PANDION. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED AND FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED, SUBJECT TO BOARD APPROVAL

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-002 as part of the Consent Agenda.

 3. 2019-0478 RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO HOST CALIFORNIA SEA GRANT FELLOWS EXTENDING THE AGREEMENT FOR 1 YEAR AND INCREASING THE NOT-TO-EXCEED AMOUNT BY \$170,956 FOR A NEW TOTAL OF \$623,754. FY19/20 EXPENDITURES ARE BUDGETED

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-003 as part of the Consent Agenda.

 4. 2020-0003 RESOLUTION RESCINDING BOARD OF PORT COMMISSIONERS POLICY NO. 451: USE OF THE DISTRICT'S PORTABLE STAGE

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

 5. 2019-0482 RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-004 as part of the Consent Agenda.

6. 2019-0526 RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2019-34 TO _____ IN THE AMOUNT OF \$_____ FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST. FUNDS REQUIRED FOR FY20 EXIST IN THE PUBLIC ART FUND, TO BE USED AS NEEDED AND REIMBURSED AS DONATIONS AND IN-LIEU PERCENT FOR ART CONTRIBUTIONS ARE RECEIVED PURSUANT TO BPC POLICY NO. 608: TENANT PERCENT FOR ART PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

7. 2019-0497 RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO THE AGREEMENT WITH MOZAIK SOLUTIONS FOR EMERGENCY MANAGEMENT CONSULTING SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$175,000.00 FROM A TOTAL OF \$689,395.50 TO \$864,395.50, REIMBURSABLE THROUGH THE PORT SECURITY GRANT PROGRAM, AND EXTENDING THE AGREEMENT TERM THROUGH AUGUST 31, 2022; FY 2020 EXPENDITURES, IF NEEDED, ARE BUDGETED. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-005 as part of the Consent Agenda.

9. 2019-0508 CHULA VISTA BAYFRONT PUBLIC STREET & UTILITY EASEMENTS

ORDINANCE APPROVING SUBSTANTIALLY THE FORM OF A 66-YEAR NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA FOR STREET AND UTILITY PURPOSES LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Ordinance 2967 as part of the Consent Agenda.

10. 2019-0521 ORDINANCE AUTHORIZING (A) JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CITY OF CHULA VISTA FOR THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT; AND (B) VOTE IN FAVOR OF PROPOSITIONS A, B, AND C RELATED TO THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Ordinance 2968 as part of the Consent Agenda.

PUBLIC HEARING AGENDA

11. 2019-0504 CONDUCT PUBLIC HEARING AND AMEND ORDINANCE ARTICLE 4, SECTION 4.14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE REGULATING IN-WATER HULL CLEANING

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

ACTION AGENDA

12. 2019-0445 PURCHASE, INSTALLATION, AND MAINTENANCE OF ENHANCED AIR FILTRATION SYSTEMS AT BARRIO LOGAN'S PERKINS ELEMENTARY SCHOOL FUNDED BY THE DISTRICT'S MARITIME INDUSTRIAL IMPACT FUND

A) RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE DISTRICT AND THE SAN DIEGO UNIFIED SCHOOL DISTRICT TO PURCHASE, INSTALL, AND MAINTAIN ENHANCED AIR FILTRATION SYSTEMS AT PERKINS ELEMENTARY SCHOOL FOR \$488,165 IN ACCORDANCE WITH BOARD POLICY NO. 773, THE MARITIME INDUSTRIAL IMPACT FUND

B) ORDINANCE AMENDING THE FY2020 BUDGET ADDING \$188,165 FROM THE MARITIME INDUSTRIAL IMPACT FUND TO THE NON-PERSONNEL EXPENSE ITEM

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2019-0445 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Joy Williams, Environmental Health Coalition; Nancy Dinella, Community Engagement Director, IQAir Foundation; Panchito Martinez, Barrio Logan resident, and Perkins Elementary alumnus.

Commissioner Valderrama, Commissioner Castellanos, Commissioner Merrifield, and Commissioner Zucchet provided comments and asked clarifying questions. Mr. Nelson responded.

On a motion by Commissioner Valderrama, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-006 and Ordinance 2969. The motion carried by the following vote:

Yeas: 7 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, Zucchet, and Bonelli

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

13. 2019-0460 INFORMATIONAL PRESENTATION OF AN EDUCATIONAL PARTNERSHIP OPPORTUNITY WITH THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT

Shirley Hirai, Manager of Equal Opportunity, Human Resources, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2019-0460 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Hirai then turned the presentation to Matthew Tessier, Assistant Superintendent, Chula Vista School District, to discuss the three existing stations that provide career development experiences for students, shared a video demonstrating the student experience at the stations, and discussed the potential for development of the Port station. Dr. Tessier then turned the presentation back to Ms. Hirai to discuss next steps.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield, Commissioner Castellanos, Commissioner Zucchet, Commissioner Valderrama, and Chair Moore, provided comments and asked clarifying questions. Dr. Tessier and Ms. Hirai responded.

14. 2019-0505 PRESENTATION ON NEW LEGISLATION FOR 2019-2020 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND DIRECTION TO STAFF

Job Nelson, Chief Policy Strategist, Government & Civic Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2019-0505 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation to David Yow, Legislative Policy Administrator, Government & Civic Relations, to discuss the Port's 2019 legislative accomplishments and new priorities for 2020 at the state and federal levels. Mr. Yow then turned the presentation to Jonathan Clay, Legislative Advocate, Carpi & Clay, to discuss the State of California legislative landscape for 2020. Mr. Clay then turned the presentation to Mr. Nelson to close presentation.

Commissioner Malcolm, Commissioner Bonelli, Commissioner Castellanos, Commissioner Zucchet, and Commissioner Valderrama provided comments and asked clarifying questions. Mr. Nelson, Mr. Yow, Jason Giffen, Vice President of Planning, Environment, and Government Relations, Thomas A. Russell, General Counsel, and Mr. Clay responded.

8. 2019-0506 SEAPORT VILLAGE:

A) ORDINANCE GRANTING A LEASE TO SEAPORT ENTERTAINMENT, LLC --FOR A FULL-SERVICE RESTAURANT LOCATED AT 849 W. HARBOR DRIVE, SUITE E3 IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)

B) ORDINANCE GRANTING A LEASE TO TRAVELER'S CONVENIENCE, INC. DBA SEAPORT MARKET (SEAPORT MARKET) FOR A SPECIALTY MARKET LOCATED AT 849 W. HARBOR DRIVE, SUITES C6A-A AND C6A-B IN SAN DIEGO FOR A TOTAL 10-YEAR TERM

Commissioner Merrifield requested to separate Item 8A from 8B and called for a motion to adopt 8A and hold 8B for discussion.

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Item 8A - Ordinance 2965. The motion carried by the following vote:

Yeas: 7 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, Zucchet, and Bonelli

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Item 8B - Commissioner Merrifield, Commissioner Malcolm, Commissioner Castellanos, Chair Moore, Commissioner Valderrama, and Commissioner Zucchet, provided comments and asked clarifying questions. William Metcalfe, Asset Manager, Real Estate, Anthony Gordon, Director, Real Estate, Lucy Contreras, Program Manager, Real Estate, Christopher Burt, Deputy General Counsel, General Counsel's Office, Thomas A. Russell, General Counsel, and Steve Abbo, Seaport Market, responded.

Commissioner Malcolm made a motion to approve 8B with the limitation of a maximum of 50% of gross sales to liquor and 50% of gross sales to other items and sundries listed in the use clause. Commissioner Valderrama seconded the motion, the Board thereby adopted Ordinance 2966. The motion carried by the following vote:

Yeas: 7 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, Zucchet, and Bonelli

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

15. 2019-0485 REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 11, 2020 MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board adopted the proposed agenda for February. The motion carried by the following vote:

Yeas: 7 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, Zucchet, and Bonelli

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

16. 2020-0004 OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Contract No. 2019-19 with APR Construction, Inc. / 55 Calendar Day Time Extension thru 02/25/20

B) Change Order No. 1 to Contract No. 2018-04 with R.E. Staite Engineering, Inc. / Increases Contract by \$233,000.00

C) Change Order No. 1 to Contract No. 2019-26 with Specialized Elevator Services, LLC / 136 Calendar Day Time Extension thru 05/15/20

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from Regents of UCSD - Scripps Institution of Oceanography for San Diego Bay Wave Monitoring Pilot Program, for total amount \$1,658.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. 2019-0512 Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.
San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL

No reportable action was taken on this item.

2. 2019-0513 Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.
San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL

No reportable action was taken on this item.

3. 2019-0518 Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Chula Vista Bayfront parcel consisting of approximately 74.7 acres of land at H Street and Marina Parkway, Chula Vista

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;
City of Chula Vista - Gary Halbert;
SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook
and Sean Jones.

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. 2019-0515 Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9

One (1) Case

No reportable action was taken on this item.

5. 2019-0517 Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 171,660 square feet of tideland area located at
1960 Harbor Island Drive in the City of San Diego

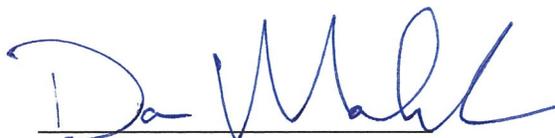
Negotiating Parties:

Bartell Hotels, a California limited partnership - Richard Bartell
SDUPD - Shaun Sumner, Tony Gordon, Penny Maus

Under Negotiations: Price and Terms

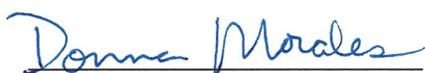
No reportable action was taken on this item.

The Closed Session adjourned at 6:00 pm.



*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, January 28, 2020

10:00 AM

Kona Kai Resort & Spa
Bay Room
1551 Shelter Island Drive
San Diego, CA 92106

Closed Session

A. Roll Call.

- Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet
- Excused:** 0
- Absent:** 0

Officers Present: Morales and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0017](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:
PORT AUDITOR
Government Code Section 54957

No reportable action was taken on this item.

The meeting adjourned at 6:10 p.m.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Friday, January 31, 2020

10:30 AM

Hilton San Diego Bayfront
Aqua Salon
1 Park Blvd
San Diego, CA 92101

Board Retreat

A. Roll Call.

- Present:** 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet
- Excused:** 2 - Commissioner Malcolm, and Commissioner Valderrama
- Absent:** 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Clifford Weiler; Sharon Cloward, President, San Diego Port Tenants Association.

ACTION AGENDA

1. [2020-0026](#) BOARD OF PORT COMMISSIONERS ANNUAL RETREAT TO DISCUSS STRATEGIC PARTNERSHIPS FOR CALENDAR YEAR 2020 AND TEAM BUILDING AND RELATED DIRECTION TO STAFF

Chair Moore welcomed the Board, staff, and public to the retreat and provided context for the facilitated discussion with the Honorable Stephen Padilla from the California Coastal Commission, as well as the desired outcomes from the Board retreat.

Steve Alexander, facilitator, introduced himself and led the discussion by reviewing the agenda, retreat objectives, ground rules, and guidelines.

Mr. Alexander then led the conversation with Mr. Padilla and the Board to discuss perspectives, working relationships, and opportunities to improve the working relationship between the two organizations in the future.

Chair Moore thanked Mr. Padilla for his insight and for being present at the retreat.

Mr. Padilla left the retreat and the Board recessed for lunch at approximately 1:30 pm. Chair Moore called the retreat back to order at 2:15 pm.

Mr. Alexander then conducted the Celebration Exercise and asked the Board and staff to share their insights and observations from 2019 with focus on Port pride and legacy.

Mr. Alexander then reviewed the draft Principles for Effective Communications developed during the 2019 Board Retreat and asked the Board if they had any modifications. The Board went around the table and provided ideas for fine-tuning the principles for 2020.

Mr. Alexander then led the discussion regarding insights and lessons from the publication "A Shift for a Day" with the Board to share their favorite quotes/tips from the book.

The Board then brainstormed with staff on how the Port can improve the working relationship with the California Coastal Commission going forward.

Randa Coniglio, President/CEO, then led the discussion regarding the Grant Seeking Opportunities Guidelines and asked Job Nelson, Chief Policy Strategist, to present the grant funding opportunities and whether the Board supports this approach. The Board provided comments and supported the approach.

Mr. Alexander then confirmed assignments, next steps, and then had the Board and staff share revelations from the retreat today in one or two words, and asked them to what would have made the retreat "even better if".

Chair Moore provided closing comments and thanked staff and Steve Alexander for making this retreat a success.

The retreat adjourned at 5:18 pm.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 11, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

- Present:** 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet
- Excused:** 2 - Commissioner Malcolm, and Commissioner Valderrama
- Absent:** 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0067](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Chula Vista Bayfront parcel consisting of approximately 74.7 acres of land at H Street and Marina Parkway, Chula Vista

Negotiating Parties:
RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;
City of Chula Vista - Gary Halbert;
SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook and Sean Jones.

Under Negotiations: Price and Terms

No reportable action was taken on this item.

2. [2020-0068](#) Closed Session Item No. 2
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9
- Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.
San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL
- No reportable action was taken on this item.*
3. [2020-0069](#) Closed Session Item No. 3
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9
- Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified Port District, et al.
San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL
- No reportable action was taken on this item.*
4. [2020-0071](#) Closed Session Item No. 4
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9
- Two (2) Cases
- No reportable action was taken on this item.*
5. [2020-0072](#) Closed Session Item No. 5
- CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8
- Property: SDUPD - Parcels consisting of approximately 432,741 square feet of land area and 358,756 of water area at North side of G Street at terminus of both Quay Avenue and Sandpiper Way, Chula Vista; Parcels consisting of approximately 287,952 square feet of land area and 95,543 square feet of water area adjacent to 1313 West 24th Street, National City
- Negotiating Parties:
Marine Group Boat Works, LLC - Todd Roberts and George Palermo
SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Todd Miller, Amber Jensen

Under Negotiations: Price and Terms

No reportable action was taken on this item.

6. [2020-0075](#) Closed Session Item No. 6

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 14,000 square feet of building area located at 831 W. Harbor Drive, San Diego

Negotiating Parties:

Malibu Farm, LLC. - John Stockwell, Helene Henderson Stockwell;
SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Lucy Contreras,
Alexa Paulus and R.I. Properties, Inc. dba Retail Insite - Don Moser

Under Negotiations: Price and Terms

No reportable action was taken on this item.

7. [2020-0079](#) Closed Session Item No. 7

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 14,000 square feet of building area located at 831 W. Harbor Drive, San Diego

Negotiating Parties:

Waterfront Restaurant Group, Inc. - Diana L. Patrick, Michael Fry, Louis and Kathleen Rezzonico;
SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Lucy Contreras,
Alexa Paulus, and R.I. Properties, Inc. dba Retail Insite - Don Moser

Under Negotiations: Price and Terms

No reportable action was taken on this item.

8. [2020-0074](#) Closed Session Item No. 8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 171,660 square feet of tideland area located at 1960 Harbor Island Drive in the City of San Diego

Negotiating Parties:

Bartell Hotels, a California limited partnership - Richard Bartell
SDUPD - Shaun Sumner, Tony Gordon, Penny Maus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

9. [2020-0080](#) Closed Session Item No. 9

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 24,108 square feet of land area located at 750
North Harbor Drive, San Diego.

Negotiating Parties:

First Market Restaurants, Inc. - Dwight Colton

SDUPD - Shaun Sumner, Anthony Gordon, Annette Dahl, Lucy Contreras,
Taylor Stack

Under Negotiations: Price and Terms

No reportable action was taken on this item.

10. [2020-0060](#) Closed Session Item No. 10

PUBLIC EMPLOYEE APPOINTMENT:

PORT AUDITOR

Government Code Section 54957

This item was continued to a future Board meeting.

Dan Malcolm

Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 11, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet

Excused: 2 - Commissioner Malcolm, and Commissioner Valderrama

Absent: 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Pledge of Allegiance.

Commissioner Castellanos led the Pledge of Allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda with the exception of Consent Agenda Item 10 - File No. 2020-0060 which will be continued to a future Board meeting. Mr. Russell added that no reportable action was taken.

Mr. Russell then left and turned his seat at the dais to Ellen Gross, Assistant General Counsel for the remainder of the meeting.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Kate Evans; and Maya Tahilramani, Vice President, San Diego Refrigerated Services.

E. Board Committee Reports.

No Board Committee reports were provided.

F. Commissioners' Reports.

Commissioner Merrifield reported that he, along with Randa Coniglio, President/CEO, traveled to Sacramento to meet with Vice Chair Janea Scott of the California Energy Commission. This meeting provided an opportunity to discuss the upcoming Ports Energy Collaborative meeting, which the Port of San Diego is hosting on February 27, to talk about desired accomplishments for that meeting as well as accomplishments for future Ports Collaborative meetings. One of the desired subjects includes an electric rate

structure discussion with the California Public Utilities Commission in hopes to incentivize electrification at the Port to support green activities.

Commissioner Merrifield added that during their trip to Sacramento they were fortunate to have a meeting with the Lieutenant Governor to discuss the Tijuana River Valley funding to secure as much of the \$300 million USMCA funding as possible.

Commissioner Merrifield then provided a report on the U.S. Coast Guard Blue Technology Center of Expertise ribbon-cutting ceremony. Commissioner Merrifield explained that this ceremony was held to recognize the opening of the new center located on the UC San Diego Scripps Institution of Oceanography campus. This center is an outcome of the federal Save Our Seas Act of 2018, which was led by Congressman John Garamendi of California's 3rd District. This center will provide guidance and opportunities for innovators of blue technologies, and the ability to demonstrate new capabilities to Coast Guard decision-makers.

Commissioner Bonelli announced that he wanted to take the opportunity to thank Chair Stephen Padilla of the California Coastal Commission, for attending the Board of Port Commissioner's annual retreat in January. Commissioner Bonelli explained that Chair Padilla provided many poignant comments, and expressed a desire to develop a strong rapport between the Port of San Diego and the California Coastal Commission.

G. President's Report.

Randa Coniglio, President/CEO, announced that she has five items to share today and then invited Mike LaFleur, Vice President of Maritime, to the podium to present the first item. Mr. LaFleur introduced Port partner, Pasha Group, and invited George Pasha, President and CEO, to the podium. Mr. Pasha provided brief history of the Pasha Group and the current operations at the Port of San Diego. Mr. Pasha highlighted their business partners and important milestones over the past 30 years which includes their 7 million dollar investment into the facilities at the Port's National City Marine Terminal. Mr. Pasha also highlighted their efforts regarding environmental stewardship such as using electric vehicles to move inventory, installing EV charging stations, and using solar-power at the terminal. Mr. Pasha also announced that they have partnered with Porsche to transport and process Porsche vehicles (as well as other brands such as Lamborghini, Alpha Romeo, Fiat Chrysler, et al.) which involves development of a 7 million dollar state-of-the-art facility at the terminal which will be used to prepare vehicles for delivery to the dealers. Mr. Pasha stated that he looks forward to working with the Port to continue to grow and support terminal operations.

Ms. Coniglio next invited Zach Birmingham, Senior Environmental Specialist, Energy, to the podium to discuss the High Tech High Internship program at the Port. Mr. Birmingham explained that High Tech High sends their students out into the business community for a month long internship to learn what it is like to be in a professional environment. The Port's Energy Team was able to host two mentees from this program to foster their interest in the ocean and environmental science fields, and to inform them about potential careers at the Port. Mr. Birmingham then invited the two students, Elle Davis and Bergen Richter, to the podium to introduce themselves and share how their perspective regarding the Port changed from the beginning to the end of their internship.

Ms. Coniglio then invited Karen Holman, Director of Environmental Protection, to the podium to provide an in-water hull cleaning ordinance development update. Ms. Holman explained that the Port is continuing the process to develop an ordinance that will help the environment and boating. Port staff will be holding a stakeholder meeting in early March to discuss an approach that will fill the data gaps related to in-water hull cleaning.

Ms. Holman stated that during the review period, staff will not be recommending any ordinance revisions and that the current ordinance adopted in 2012 is still in effect. All information regarding this process is available to the public on the Port's website (portofsandiego.org).

Ms. Coniglio then shared that she had the privilege to speak on a panel at the State Lands Commission meeting in Sacramento to provide Port input on the State Lands Commission's next 5-year strategic plan. Ms. Coniglio explained that she raised four major principles during her testimony which included: State Lands and Ports are partners; and environmental goals and economic growth are not mutually exclusive. Ms. Coniglio expressed the importance of the value for the Port to spend time in Sacramento as this is where decisions are made that impact the Port most.

Ms. Coniglio then shared the Port's celebration of National Wear Red Day to raise awareness about heart health. Ms. Coniglio explained that the Human Resources team traveled around the departments to educate and advocate regarding heart disease prevention, and the General Services team has lit up the Administration Building with red lights throughout the month of February to remind the public that it is American Heart Month.

H. District Clerk's Announcements.

Donna Morales, District Clerk, announced that staff requested to pull the following items from the Consent Agenda to the Action Agenda: Consent Agenda Item 4 - File No. 2019-0500 and Consent Agenda Item 6 - File No. 2019-0503.

Ms. Morales then reported that staff requested to continue the following item: Consent Agenda Item 8 - File No. 2020-0020.

Additionally, Ms. Morales reported that the following item no longer requires Board action: Consent Agenda Item 10 - File No. 2020-0062.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Moore, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Merrifield, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0012](#) Approval of minutes for:

January 9, 2020 - BPC MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the minutes. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted the Consent Agenda as follows: Resolution 2020-007; Resolution 2020-008; Resolution 2020-009; Resolution 2020-010; Resolution 2020-014; Resolution 2020-018; Ordinance 2970; Resolution 2020-019; Resolution 2020-020; Resolution 2020-021; and Resolution 2020-022. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

1. [2019-0309](#) A) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT WITH DELOITTE CONSULTING, LLP IN AN AMOUNT NOT TO EXCEED \$1,805,000.00 FOR SALESFORCE IMPLEMENTATION SERVICES, CONDITIONED UPON THE APPROVAL OF ITEM B; AND

B) RESOLUTION APPROVING TRANSFER OF FUNDS WITHIN THE FISCAL YEAR 2020 BUDGET IN THE AMOUNT OF \$1,264,000 FROM THE PERSONNEL APPROPRIATION TO THE TECHNOLOGY MANAGEMENT PROGRAM APPROPRIATION IN ACCORDANCE WITH BOARD POLICY NO. 090, AND CONDITIONED UPON THE APPROVAL OF ITEM A.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-007 and Resolution 2020-008 as part of the Consent Agenda.

2. [2019-0479](#) RESOLUTION RESCINDING BOARD OF PORT COMMISSIONERS POLICY NO. 451: USE OF THE DISTRICT'S PORTABLE STAGE

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-009 as part of the Consent Agenda.

3. [2019-0492](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC., DUDEK, AND WESTON SOLUTIONS FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES SUCH AS SEDIMENT AND WATER SAMPLE COLLECTION, LABORATORY AND TECHNICAL ANALYSIS, AND TECHNICAL REPORTING, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000 FOR A PERIOD OF THREE YEARS. FY 2020 EXPENDITURES ARE BUDGETED; FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-010 as part of the Consent Agenda.

5. [2019-0501](#) RESOLUTION SELECTING AND AUTHORIZING FIVE-YEAR AGREEMENTS WITH CLOCKWORK MEDIA, LLC; DARIN STUART FONG DBA DARIN FONG PHOTOGRAPHY; GOAL PRODUCTIONS, INC. AND MICHAEL WATSON DBA VIDEO APPROACH FOR AS-NEEDED VIDEO AND PRODUCTION SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$450,000 BEGINNING ON FEBRUARY 12, 2020 AND ENDING FEBRUARY 12, 2025. FUNDS FOR FISCAL YEAR 2020 HAVE BEEN BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-014 as part of the Consent Agenda.

7. [2019-0507](#) RESOLUTION CONSENTING TO THE CREATION OF A NEW BUSINESS ENTITY, IL FORNAIO (AMERICA), LLC AS SUBLESSEE TO FERRY LANDING ASSOCIATES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND AN ASSIGNMENT OF THE OWNERSHIP INTEREST OF IFCB HOLDING CORPORATION, A DELAWARE CORPORATION, IN IL FORNAIO (AMERICA), LLC TO CREATE RESTAURANTS HOLDINGS, INC., A JAPANESE CORPORATION AND CREATE RESTAURANTS NY INC., A NEW YORK CORPORATION, TO CONTINUE OPERATING IL FORNAIO RESTAURANT FOR THE REMAINDER OF THE TERM OF THE SUBLEASE THROUGH NOVEMBER 1, 2028, IF ALL EXTENSIONS ARE EXERCISED.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resoluiton 2020-018 as part of the Consent Agenda.

8. [2020-0020](#) RESOLUTION AUTHORIZING PROCUREMENT OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT SUBSCRIPTION NOT TO EXCEED \$45,000.00, FOR A 5-YEAR TOTAL COST OF OWNERSHIP OF \$212,565.56 AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS AT THE EXECUTIVE DIRECTOR'S DISCRETION PURSUANT TO BOARD POLICY NO. 110 SECTIONS III.F AND II.U. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

9. [2019-0516](#) ORDINANCE GRANTING AMENDMENT NO. 4 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Ordinance 2970 as part of the Consent Agenda.

10. [2020-0062](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE REPLACEMENT OF NIGHT-LIGHTING FIXTURES AT VARIOUS LOCATIONS ON DISTRICT TIDELANDS

Board action is no longer required for this item.

Board action no longer required for this item.

11. [2019-0524](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY 2019/2020 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$200,000 AND GRANTING INDEMNITY

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-019 as part of the Consent Agenda.

12. [2020-0009](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 2 TO THE AGREEMENT FOR EXPERT LEGAL SERVICES WITH KLEINFELDER, INC. INCREASING THE MAXIMUM AMOUNT BY \$90,000 FROM \$275,000 TO \$365,000, AMENDMENT NO. 3 TO THE AGREEMENT FOR EXPERT LEGAL SERVICES WITH WINDWARD ENVIRONMENTAL, LLC. INCREASING THE MAXIMUM AMOUNT BY \$60,000 FROM \$330,000 TO \$390,000, AND AMENDMENT NO. 1 TO THE AGREEMENT FOR LEGAL SERVICES WITH COLANTUONO, HIGHSMITH & WHATLEY, P.C. INCREASING THE MAXIMUM AMOUNT BY \$120,000 FROM \$175,000 TO \$295,000. FY 2020 EXPENDITURES ARE BUDGETED.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-020 as part of the Consent Agenda.

13. [2020-0019](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS (BPC) POLICY 018-A, SECTION 3 TO ALLOW THREE COMMISSIONERS TO SERVE AS FACILITATORS FOR THE MARITIME STAKEHOLDER FORUM DURING 2020

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-021 as part of the Consent Agenda.

14. [2019-0486](#) RESOLUTION REJECTING ALL BIDS RECEIVED ON DECEMBER 19, 2019, FOR CONTRACT NO. 2019-34 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST AND AUTHORIZING AGREEMENT NO. 10-2020MA WITH SOUTHERN CONTRACTING COMPANY IN THE AMOUNT OF \$744,692.00 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST IN ACCORDANCE WITH BOARD POLICY NO. 110, SECTIONS II AND III. FY20 EXPENDITURES ARE BUDGETED AND WILL BE FUNDED FROM THE PUBLIC ART FUND AS NEEDED, WHICH WILL BE REIMBURSED/REPLENISHED FROM DONATIONS AND IN-LIEU PERCENT FOR ART CONTRIBUTIONS AS THEY ARE RECEIVED PURSUANT TO BPC POLICY NO. 608. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-022 as part of the Consent Agenda.

ACTION AGENDA

15. [2019-0519](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE

Vanessa Lopez, Human Resources Technician, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2019-0519 (A copy of the

staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Lopez then turned the presentation to Randa Coniglio, President/CEO. Ms. Coniglio introduced and acknowledged tenure of Alan MacNabb II, Lead Maintenance Mechanic, General Services, for his 25 years of service.

Commissioner Zucchet provided comments.

16. [2020-0007](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A “MEMORANDUM OF UNDERSTANDING REGARDING MAJOR REGIONAL PROJECTS” WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, SAN DIEGO County Regional AIRPORT AUTHORITY, AND CITY OF SAN DIEGO

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2020-0007 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation to Coleen Clementson, Director of Planning and Land Use, SANDAG, to discuss the outcomes of the committee and next steps. Ms. Clementson then turned the presentation back to Mr. Nelson to summarize the MOU and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: Adrian Granda, Deputy Director Government Affairs, Mayor Faulconer's Office, City of San Diego; and Matt Harris, Director, Government Relations, San Diego County Regional Airport Authority.

Commissioner Merrifield, Commissioner Bonelli, Commissioner Castellanos, Commissioner Zucchet, and Chair Moore provided comments.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-023. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

17. [2020-0015](#) PRESENTATION AND DIRECTION TO STAFF REGARDING TOPGOLF AND EAST HARBOR ISLAND - RECOMMENDED CONFIGURATION OF PUBLIC SPACE AND DEVELOPMENT SITES AS FOLLOW UP TO PREVIOUS BOARD DIRECTION

Jason Giffen, Vice President, Planning, Environment, and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2020-0015 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation to Scott Jordan, Civitas, to discuss possible land use for the east Harbor Island parcels and positioning of the potential Top Golf site. Mr. Jordan then turned the

presentation to James Hammel, Program Manager, Real Estate, to discuss the Topgolf Exclusive Negotiating Agreement, key milestones, and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association; Ryan Karlsgodt, Unite Here Local 30; and Uri Feldman, Sunroad Enterprises.

Chair Moore, Commissioner Merrifield, Commissioner Zucchet, Commissioner Castellanos, and Commissioner Bonelli provided comments and asked clarifying questions. Lesley Nishihira, Director, Planning, Matt Smith, Director of Real Estate, Topgolf, Chief Mark Stainbrook, Harbor Police, Randa Coniglio, President/CEO, and Rebecca Harrington, Senior Deputy General Counsel, responded.

4. [2019-0500](#) PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT:
- A. RESOLUTION REJECTING BID PROTEST FROM TC CONSTRUCTION COMPANY, INC. AGAINST MVC ENTERPRISES INC.
 - B. RESOLUTION REJECTING BID PROTEST FROM EAGLE PAVING COMPANY, INC. AGAINST TC CONSTRUCTION COMPANY, INC.
 - C. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2019-15 TO MVC ENTERPRISES INC. IN THE AMOUNT OF \$789,700.00 (BID SCHEDULES A AND B) FOR THE PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY19/20 MAJOR MAINTENANCE PROGRAM.

This item was pulled from the Consent Agenda.

Simon Kann, Deputy General Counsel, addressed the Board with staff's report and presentation regarding Agenda Item 4 - File No. 2019-0500 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Kann provided a suggested format that would give all parties an opportunity to speak to this item.

Chair Moore called Arthur Hernandez, Jr., TC Construction Company, to provide testimony on Item 4A as protestor.

Robert Lynch, McMahan Lynch Law Firm, counsel and representative for MVC Enterprises, was called to provide rebuttal to protest.

Commissioner Merrifield, Chair Moore, Commissioner Castellanos, Commissioner Zucchet, Commissioner Bonelli, provided comments and asked clarifying questions. Shirley Hirai, Equal Opportunity Manager, Mr. Kann, Mr. Lynch, Mr. Hernandez, and Christopher McGrath, Program Manager, Engineering-Construction, responded.

Mr. Lynch was invited to provide a response to Board comments.

Commissioner Castellanos made a motion on Item 4A to sustain the bid protest from TC Construction Company, Inc. against MVC Enterprises Inc., Commissioner Merrifield seconded the motion. Commissioner Zucchet made a friendly

amendment to include in the motion that the basis for sustaining the protest is the Board considers MVC Enterprises bid non-responsive based on the plain language of the bid. Commissioner Castellanos accepted the amendment. The Board thereby adopted Resolution 2020-011. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

Chair Moore invited Eagle Paving Company, Inc. to speak to Item 4B to provide testimony regarding bid protest against TC Construction Company, Inc., but no representatives were present.

Chair Moore then asked if anyone from the public wished to speak to this item. No members of the public came forward.

Mr. Hernandez, Jr., TC Construction Company, Inc. was called to provide rebuttal to the protest from Eagle Paving Company, Inc.

Commissioner Merrifield made a motion on Item 4B to adopt a resolution rejecting the bid protest from Eagle Paving Company, Inc. against TC Construction Company, Inc. Commissioner Castellanos seconded the motion. The Board thereby adopted Resolution 2020-012. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

Commissioner Merrifield called for a motion to adopt Item 4C as modified to adopt a resolution approving plans and specifications and awarding Contract No. 2019-15 to TC Construction, Inc. in the amount of \$789,700.00 (Bid Schedules A and B) for the construction of the Pavement Improvements at Shelter Island Parking Lots project, as authorized by the Board in the FY19/20 Major Maintenance program. Commissioner Castellanos seconded the motion. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

6. [2019-0503](#) A) RESOLUTION APPROVING A PROJECT BUDGET INCREASE OF \$425,000 FOR THE DEFERRED MAINTENANCE - SEAPORT VILLAGE PROJECT PURSUANT TO BPC POLICY NO. 130.

B) Resolution rejecting bid protest from erc roofing & waterproofing against urban corps of san diego county.

C) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDDING CONTRACT NO 2019-17 TO URBAN CORPS OF SAN DIEGO COUNTY IN THE AMOUNT OF \$598,397.00 FOR THE MAINTENANCE REPAIRS AT VARIOUS SEAPORT VILLAGE BUILDINGS PROJECT (BID SCHEDULES A, B AND C), A SUBPROJECT OF THE DEFERRED MAINTENANCE - SEAPORT VILLAGE PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2020 MAJOR MAINTENANCE PROGRAM.

This item was pulled from the Consent Agenda.

Christopher Burt, Deputy General Counsel, General Counsel's Office, addressed the Board with staff's report and presentation regarding Agenda Item 6 - File No. 2019-0503 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chair Moore invited William Crowe, Attorney, Carlton & Alberola, representative for ERC Roofing and Waterproofing, to provide testimony on Item 6B regarding bid protest against Urban Corps of San Diego County.

Chair Moore invited Urban Corps of San Diego County to provide rebuttal to bid protest but no representatives were present.

Commissioner Zucchet, Chair Moore, Commissioner Merrifield provided comments and asked clarifying questions. Mr. Burt and Mr. Crowe responded.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted Item 6B, Resolution 2020-016 rejecting bid protest from ERC Roofing & Waterproofing against Urban Corps of San Diego County. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Items 6A and 6C as presented, thereby adopting Resolution 2020-015 and Resolution 2020-017. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

18. [2019-0489](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 10, 2020 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted the proposed agenda for March. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 2 - Malcolm, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

19. [2020-0065](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Contract No. 2018-19 with Bellingham Marine Industries, Inc. / Increases Contract by \$49,570.20

B) Change Order No. 1 to Contract No. 2019-20 with SoCal Building & Restoration, Inc. dba SoCal Building Group / \$22,000.00 Increase & 45 Calendar Day Time Extension thru 02/10/20

C) Change Order No. 2 to Contract No. 2019-20 with SoCal Building & Restoration, Inc. dba SoCal Building Group / Scope of Work Change Only

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from City of Imperial Beach for The Elkwood Parking Lot TUOP, for total amount \$1,358.00

B) Request for User Fee Waiver Form from City of Imperial Beach for The Palm Parking Lot TUOP, for total amount \$3,158.00

C) Request for User Fee Waiver Form from National University Polytechnic Institute for Commercial Diver Training, for total amount \$550.00

D) Request for User Fee Waiver Form from Rentunder Holding AB for Drive-In Boat Wash Demonstration Project, for total amount \$1,308.00

E) Request for User Fee Waiver Form from PNF-SDP, LLC dba Park 'N Fly for Tideland Use and Occupancy Permit (TUOP) - Amendment No. 4, for total amount \$500.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, March 10, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Bonelli was excused until he arrived at 10:15 am.

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0119](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:
PORT AUDITOR
Government Code Section 54957

No reportable action was taken on this item.

2. [2020-0123](#) Closed Session Item No. 2

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (SEMI-ANNUAL):
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

No reportable action was taken on this item.

3. [2020-0120](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified
Port District, et al.

San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL

No reportable action was taken on this item.

4. [2020-0121](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified
Port District, et al.

San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL

No reportable action was taken on this item.

5. [2020-0125](#) Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.
United States District Court Case No. 15-CV-0578 WQH (JLB)

No reportable action was taken on this item.

6. [2020-0117](#) Closed Session Item No. 6

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 5.95 acres of land area and 24.25 acres of
water area located at 955 Harbor Island Drive

Negotiating Parties:

Sunroad Marina Partners, L.P. - Uri Feldman, Lisa Gordon, Richard
Ledford

SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Lucy Contreras,
James Hammel

Commissioner Castellanos recused himself and did not participate in this item. No

reportable action was taken on this item.

7. [2020-0118](#) Closed Session Item No. 7

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

City of Imperial Beach, et al. v. The International Boundary & Water
Commission - United States Section, et al.
United States District Court, Case No. 3:18-CV-00457-JM-LL

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, March 10, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Pledge of Allegiance.

Commissioner Malcolm led the Pledge of Allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda and that the Board will adjourn to Closed Session after the conclusion of this meeting to continue the discussion on Closed Session Agenda Item 6 - File No. 2020-0117; Mr. Russell added that Commissioner Castellanos recused himself from Item 6 and did not participate in this item. Mr. Russell also stated that the Board took no reportable action.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Mayor Alejandra Sotelo-Solis, National City; Janet Rogers, Embarcadero Coalition; Bill Rogers, Embarcadero Coalition; Ernie Simon; and Susan Simon.

E. Board Committee Reports.

Commissioner Valderrama provided report on the Accessibility Advisory Committee meeting held on February 5, 2020. Commissioner Valderrama explained that the Committee received presentations from Sunroad on their proposed hotel development on East Harbor Island, and a staff presentation regarding dockless mobility devices.

F. Commissioners' Reports.

Commissioner Zucchet began with announcing that he had sad news regarding the passing of former Commissioner Peter Janopaul. Commissioner Zucchet shared the many contributions Mr. Janopaul made to the community, and expressed his

gratefulness for the friendship he had with Mr. Janopaul.

Commissioner Malcolm provided a report on the Association of Pacific Ports Winter Conference in Hawaii he attended with Commissioner Valderrama and Randa Coniglio, President/CEO. Commissioner Malcolm explained that this conference gives Ports the opportunity to meet to discuss issues and topics affecting ports specific to the Pacific region.

Commissioner Malcolm then provided a report on the Aquaculture America 2020 Conference. This conference focuses on groups, businesses and governmental agencies that are engaged in some way in the pursuit of aquaculture. Commissioner Malcolm added that there were many interesting presentations, one in particular was a presentation by Don Kent, titled: The Trials and Tribulations of Permitting Open Ocean Farms. The Port has been working on trying to get open ocean aquaculture permitted in this region, as 91 percent of the fish consumed in the U.S. is imported from other countries, having local farms would help control how fish is grown, and provide a sustainable/good protein for the region.

Commissioner Malcolm read a portion of a letter from the Port of San Diego to Representative Juan Vargas into the record regarding the ongoing sewage discharge issue from the Tijuana River into the ocean at Imperial Beach and Coronado. Commissioner Malcolm wanted to make this part of the record as this represents an ongoing threat, and as stewards of the environment, it is important for the public to know the situation. Commissioner Malcolm requested that staff present a report on the Tijuana river sewage situation at a future Board meeting. Chair Moore thanked Commissioner Malcolm for his dedication and leadership on this issue.

Commissioner Valderrama added to the report on the Association of Pacific Ports and remarked that he heard many good ideas to bring back to Port, and this conference provided a very valuable experience.

Commissioner Moore provided a report regarding her trip to Sacramento along with Commissioner Merrifield and the San Diego Regional Chamber of Commerce's annual Delegation. The focus in the Port meetings was progress on the Port Master Plan and the Chula Vista Bayfront.

Commissioner Merrifield added that staff met with the California Water Resources Control Board regarding the transboundary sewage in Tijuana River Valley and provided an update on what our region needs and how critical the situation is. The Governor is including \$35 million in his proposed budget to funding solutions, and a portion of the USMCA (United States-Mexican-Canadian) funding from the federal government is available, however efforts must continue to help resolve this crisis.

Commissioner Merrifield then reported that the Port hosted the California Energy Commission-Ports Energy Collaborative Meeting. Commissioner Merrifield explained that the meeting brought together Vice Chair Janea Scott and key staff from the Energy Commission and ports throughout the state. The purpose of this collaboration is to implement unique solutions to energy issues faced by Ports and transition to zero emission freight equipment and vehicles. During the meeting, the San Diego Ports Tenants Association provided the progress they have made administering a nearly \$6M grant received from Energy Commission. Greenlining Institute also provided a presentation about "Equity" and the need to include environmental justice concepts into planning.

ACTION AGENDA**13. [2020-0088](#) INFORMATIONAL PRESENTATION FROM WONDERLUST EVENTS, LLC INCLUDING A RECAP ON THE INAUGURAL 2019 Wonderfront MUSIC AND ARTS Festival AND DIRECTION TO STAFF**

Michael Brown, Vice President, Marketing & Communications, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2020-0088 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Brown then turned the presentation to Ernie Hahn, Wonderlust Events, LLC, to provide the 2019 Wonderfront Music & Arts Festival recap and lessons learned. Mr. Hahn then turned the presentation back to Mr. Brown to discuss topics needing Board direction regarding sound management and the overall festival footprint.

The following member(s) of the public addressed the Board with agenda-related comments: Mayor Richard Bailey, City of Coronado; and Marilyn G. Field, Coronado Coastal Conservancy.

Commissioner Bonelli, Commissioner Merrifield, Chair Moore, Commissioner Valderrama, Commissioner Malcolm provided comments and asked clarifying questions. Mr. Brown and Mr. Hahn responded.

Commissioner Bonelli left the dais at 2:27 p.m. for the remainder of the Board meeting.

G. President's Report.

Randa Coniglio, President/CEO announced she had five items to share. For the first item she invited Jeff Wohler, Chairman of the San Diego Harbor Police Foundation, to the podium. Mr. Wohler spoke about various sponsorships, the status of the human trafficking awareness campaign, and shared a video showcasing the San Diego Harbor Police Foundation's purchase and installation of new furniture for a special education classroom at Elizabeth Perkins Elementary School.

Ms. Coniglio then invited Meghan Emidy and Madelyn Roycroft, California Sea Grant State fellows, to the podium to provide an update on the Sea Grant Fellowship program. Ms. Emidy and Ms. Roycroft provided a brief overview of the Sea Grant Fellowship program and their experiences as fellows over the past year. Ms. Roycroft then introduced the fourth cohort of Sea Grant Fellows at the Port, Dulce Cortez and Alyssa Clevestine.

Ms. Coniglio then reported on her trip to Sacramento for California Ports Day on February 19, along with Chief Policy Strategist Job Nelson and David Yow Legislative Policy Administrator. California Ports Day is an annual day of advocacy. During this trip they met with key members of the Governor's administration including Jared Blumenfeld, Secretary of Environmental Protection, the Director of GO-Biz – the Governor's Office of Business and Economic Development, and met with Assembly member Patrick O'Donnell and Senator Lena Gonzalez, who each chair a select legislative committee on Ports and Goods Movement.

Ms. Coniglio then spoke about the coronavirus (COVID-19) which has become a global

health concern. Ms. Coniglio explained that the Port is closely monitoring the situation and is in contact with the Centers for Disease Control, the San Diego County Health & Human Services Agency, and other relevant agencies and partners to help prevent the spread of the virus. Also, as a proactive measure, the Port has assembled a cross-departmental team who have developed an Emergency Response Plan to prepare for emergency operations and business continuity as necessary. Several preventative measures have been put into place, including sanitation stations in the Port buildings and other port facilities, as well as added a number of handwashing stations around the Embarcadero. The Port is working to ensure the safety of the public and employees as well as addressing needs and concerns of internal and external stakeholders. There have been significant financial impacts on Port tenants such as hotels which have experienced decreased occupancy due to people not travelling. This will in turn adversely impact the Port's finances, and staff will be seeking Board direction regarding budget priorities as there will be a budget shortfall.

Ms. Coniglio then requested to continue action agenda item 16 to a future Board meeting due to the Governor's declaration of a state of emergency.

Chair Moore announced that given the budget status, a Budget Ad Hoc Committee will be convened to address the budget issues the Port is facing.

Ms. Coniglio then provided an alert regarding the storm system that the National Weather Service was predicting. Ms. Coniglio explained that this storm has a higher chance flooding as it coincides with this month's king tides and asked everyone to be careful if they are near areas with flooding.

H. District Clerk's Announcements.

Donna Morales, District Clerk, announced that agenda-related materials for Action Agenda Item 13 - File No. 2020-0088 and Action Agenda Item 14 - File No. 2020-0090 were submitted after the publication of the agenda and copies were available at the Clerk's desk.

Additionally, Ms. Morales reported that staff requested to continue the following items: Consent Agenda Item 2 - File No. 2020-0110; Consent Agenda Item 6 - File No. 2020-0116; Consent Agenda Item 12 - File No. 2020-0114; and Action Agenda Item 16 - File No. 2019-0466. And the following item no longer requires Board Action Consent Agenda Item 4 - File No. 2020-0111.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Castellanos, Malcolm, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Bonelli, and Merrifield

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0092](#) Approval of minutes for:

January 28, 2020 - SPECIAL CLOSED SESSION

January 31, 2020 - BOARD RETREAT

February 11, 2020 - CLOSED SESSION

February 11, 2020 - BPC MEETING

On a motion by Commissioner Valderrama, seconded by Commissioner Castellanos, the Board approved the minutes. The motion carried by the following vote:

Yeas: 5 - Castellanos, Malcolm, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Bonelli, and Merrifield

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted the Consent Agenda as follows: Resolution 2020-024; Resolution 2020-025; Resolution 2020-026; Resolution 2020-027; Resolution 2020-028; Resolution 2020-029; Resolution 2020-030; and Resolution 2020-031. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

1. [2019-0458](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH NATURESCAPE SERVICES, INC. TO PERFORM FULL-SERVICE FACILITY PREVENTIVE AND ROUTINE MAINTENANCE SERVICES AT RUOCCO PARK FROM JULY 1, 2020 THROUGH JUNE 30, 2025 FOR AN AMOUNT NOT TO EXCEED \$705,241.24. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-024 as part of the Consent Agenda.

2. [2020-0110](#) RESOLUTION AUTHORIZING AGREEMENT FOR PURCHASE OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT SUBSCRIPTION FROM MARCH 15, 2020 THROUGH APRIL 15, 2025 FOR AN AMOUNT NOT TO EXCEED \$212,565.56, AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board Meeting.

This item was continued to a future Board meeting.

3. [2020-0008](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH EDCO DISPOSAL CORPORATION TO PERFORM WASTE TRANSFER STATION SERVICES FROM JULY 1, 2020 THROUGH JUNE 30, 2025, FOR AN AMOUNT NOT TO EXCEED \$500,000. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-025 as part of the Consent Agenda.

4. [2020-0111](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT NO. 148-2019MA WITH APEX COMPANIES LLC FOR THE CHULA VISTA BAYFRONT STORMWATER POLLUTION PREVENTION PLAN ALLOWING EARLY START OF THE OPTIONAL TERM AT NO CHANGE TO THE AGGREGATE NOT TO EXCEED AGREEMENT AMOUNT OF \$633,269

Board action is no longer required for this item.

Board action is no longer required for this item.

5. [2020-0016](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DOWNSTREAM SERVICES INC., FOR AS NEEDED STORMDRAIN CLEANING AND MAINTENANCE SERVICES FOR A NOT TO EXCEED PERIOD OF THREE YEARS AND A TOTAL AGREEMENT AMOUNT OF \$180,000; FY2020 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the

Board adopted Resolution 2020-026 as part of the Consent Agenda.

6. [2020-0116](#) ORDINANCE APPROVING SUBSTANTIALLY AND FOR A PERIOD UP TO (2) TWO YEARS THE FORM OF A 66-YEAR NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA FOR STREET AND UTILITY PURPOSES LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

7. [2020-0029](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR AS NEEDED DISTRICT STORMWATER DATABASE ENHANCEMENTS AND MANAGEMENT FOR AN AMOUNT NOT TO EXCEED \$1,500,000 FOR A PERIOD OF FIVE (5) YEARS. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY DEPARTMENT TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-027 as part of the Consent Agenda.

8. [2020-0050](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH KLEINFELDER, INC., NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTANTS, AND WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC., FOR AS-NEEDED ENVIRONMENTAL INVESTIGATION SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FOR A PERIOD OF THREE YEARS, THROUGH 2023. FY 2020 EXPENDITURES ARE BUDGETED; FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-028 as part of the Consent Agenda.

9. [2020-0052](#) RESOLUTION APPROVING THE CALENDAR YEAR 2020 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-029 as part of the Consent Agenda.

10. [2020-0058](#) RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO AGREEMENT

WITH EXCELERATE LLC TO PROVIDE INFORMATION TECHNOLOGY PROJECT MANAGEMENT OFFICE (PMO) SERVICES, INCREASING THE AGREEMENT AMOUNT BY \$1,500,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$5,429,024 AND EXTENDING THE TERM THROUGH 12/31/2020. FUNDS FOR FY2020 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-030 as part of the Consent Agenda.

11. [2020-0061](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH DOLE FRESH FRUIT COMPANY, REGARDING LOW CARBON FUEL STANDARD (LCFS) CREDITS FROM THE SHORE POWER PLUG LOCATED AT THE TENTH AVENUE MARINE TERMINAL FOR CREDITS GENERATED FROM JANUARY 1, 2020 THROUGH MARCH 31, 2020.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-031 as part of the Consent Agenda.

12. [2020-0114](#) A) RESOLUTION AUTHORIZING A PLAN OF FINANCE WITH THE CITY OF CHULA VISTA FOR THE PUBLIC FINANCING OF A RESORT HOTEL AND CONVENTION CENTER WITHIN THE CHULA VISTA BAYFRONT; AND
B) RESOLUTION AUTHORIZING A FIRST AMENDMENT TO THE AMENDED AND RESTATED REVENUE SHARING AGREEMENT

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

ACTION AGENDA

14. [2020-0090](#) PRESENTATION AND DIRECTION TO STAFF ON THE PROPOSED APPROACH FOR FURTHER PROGRESS ON A MARITIME CLEAN AIR STRATEGY; A STATUS UPDATE ON A FEW RECENT MARITIME-RELATED EMISSION REDUCING PROJECTS BEING PURSUED BY STAFF AND DISTRICT TENANTS; AND AN INFORMATIONAL UPDATE ON THE PORTSIDE ENVIRONMENTAL JUSTICE NEIGHBORHOODS (PORTSIDE COMMUNITY) SELECTION FOR A COMMUNITY EMISSION REDUCTION PROGRAM (CERP) BY THE CALIFORNIA AIR RESOURCES BOARD IN DECEMBER 2019, ALL OF WHICH ARE A FOLLOW UP TO PREVIOUS BOARD DIRECTION ENCOURAGING STAFF TO SUPPORT PATHWAYS TOWARDS ZERO AND NEAR-ZERO EMISSION REDUCTION GOALS

Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2020-0090 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation to Larry Hofreiter, Program Manager, Planning & Green Port to provide a status update of the recent AB617 portside community activities, an overview of what other ports are doing, and components that will be included in the Maritime Clean Air Strategy. Mr. Hofreiter then turned the presentation to Stephen Schafer, Principal, Economics and Policy, to summarize the strategic framework staff has created to highlight some recent emission reduction projects. Mr. Schafer then turned the presentation back to Mr. Hofreiter to provide next steps and close the presentation.

The following member(s) of the public addressed the Board with agenda-related comments: Joy Williams, Environmental Health Coalition; Danny Serrano, Environmental Health Coalition; David Flores, Environmental Health Coalition; Bob Kard, Air Pollution Control Officer, San Diego County Air Pollution Control District; Sophie Silvestri, Manager, Business Development & Government Affairs, Pasha Automotive; and Sharon Cloward President, San Diego Port Tenants Association.

Commissioner Merrifield, Commissioner Castellanos, Commissioner Zucchet, Commissioner Valderrama, and Chair Moore provided comments and asked clarifying questions. Mr. Giffen and Mr. Hofreiter responded.

15. [2020-0018](#) PRESENTATION AND RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE BLUE ECONOMY INCUBATOR AGREEMENT WITH SUNKEN SEAWEED LLC TO EXTEND THE PILOT PROJECT TO DEMONSTRATE THE FEASIBILITY OF SEAWEED AND SHELLFISH AQUACULTURE IN SAN DIEGO BAY FOR ECOSYSTEM SERVICES RESEARCH FOR AN ADDITIONAL FOUR YEARS UNTIL NOVEMBER 2023 AND INCREASING THE DISTRICT'S ROYALTY PERIOD FOR AN ADDITIONAL FIVE YEARS FOR A NEW ROYALTY PERIOD OF 25 YEARS UNTIL 2043 REQUIRING NO ADDITIONAL DISTRICT FUNDING

Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2020-0018 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation to Paula Sylvia, Program Director, Aquaculture & Blue Technology, to provide an update regarding the seaweed aquaculture project and the request to add shellfish aquaculture operations to the pilot farm.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Malcolm, Commissioner Merrifield, and Commissioner Valderrama provided comments.

On a motion by Commissioner Malcolm, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-032. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

- 16. 2019-0466** A. ORDINANCE AMENDING THE FISCAL YEAR (FY) 2020 BUDGET INCREASING THE FY 2020 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$4,235,000 FROM THE DISTRICT'S CUMULATIVE UNRESTRICTED RESOURCES
- B. RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CIP TO INCREASE THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT BUDGET BY \$4,135,000
- C. RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CIP TO INCREASE CAPITAL LABOR BY \$100,000 IN SUPPORT OF THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT
- D. RESOLUTION AUTHORIZING A SOLE SOURCE EQUIPMENT PURCHASE AGREEMENT WITH COCHRAN MARINE, LLC IN THE NOT TO EXCEED AMOUNT OF \$2,531,370.98 FOR EQUIPMENT FOR THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT
- E. RESOLUTION AUTHORIZING A SOLE SOURCE CONSTRUCTION PHASE CONSULTING SERVICE AGREEMENT WITH COCHRAN MARINE, LLC IN THE NOT TO EXCEED AMOUNT OF \$250,000 FOR CONSTRUCTION MANAGEMENT, COORDINATION, TESTING AND COMMISSIONING FOR THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT

This item was continued to a future Board meeting.

- 17. [2020-0001](#)** REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE APRIL 14, 2020 MEETING

The following member(s) of the public addressed the Board with agenda-related comments: David Alvarez, representing Austal USA - File No 2020-0115.

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted the proposed agenda. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Bonelli

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

18. [2020-0112](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 2 to Contract No. 2018-19 with Bellingham Marine Industries, Inc. / 78 Calendar Day Time Extension thru 01/21/20

B) Change Order No. 1 to Contract No. 2019-32 with C & S Welding, Inc. / Decreases Contract by \$4,000.00

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

Chair Moore adjourned the meeting to Closed Session in honor of former Port Commissioner Janopaul.



*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, March 23, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

A. Roll Call.

- Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet
- Excused:** 1 - Chairperson Moore
- Absent:** 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

C. District Clerk's Announcements.

Donna Morales, District Clerk, announced that all of the public comments received will be included in the record of the meeting and she will be reading them later.

ACTION AGENDA

1. [2020-0130](#) RESOLUTION RATIFYING AND CONFIRMING THE RESOLUTION PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY BY THE EXECUTIVE DIRECTOR / CHIEF EXECUTIVE OFFICER OF THE SAN DIEGO UNIFIED PORT DISTRICT AND PROVIDING DIRECTION TO STAFF REGARDING SUCH EMERGENCY

Randa Coniglio, President/CEO, announced that there is no formal presentation for this item, however, Ms. Coniglio shared what the Port is doing to protect the health and well-being of staff, stakeholders, and the general public, during this emergency.

Donna Morales, District Clerk read the following public comments for this item into the record: Peter Mackauf, Ben & Jerry's, Seaport Village Operation; Ron Tavakoli, Attorney At Law, Seaport Village Operation; Letter from San Diego Port Tenants Association signed by Frank Plant, Chair, and Sharon Cloward, President, requesting waiving minimum rent on behalf of the Port's Percentage Rent Tenants; Clifford "Rip" Rippetoe, San Diego Convention Center, regarding waiving minimum rent; Art Engel, representing Port Coronado Associates, LLC, Ferry Landing Associates, LLC, Fifth Avenue Landing, LLC and Flagship Cruises and Events, regarding rent relief; Sean Clancy, Sheraton San Diego Hotel & Marina, regarding waiving tenant rent; Nicole Madcour-Masri, Residence

Inn and SpringHill Suites San Diego Downtown/Bayfront, regarding waiving minimum rent; Kevin Lorton, Hornblower Cruises & Events, regarding waiving minimum rent; John Laun, San Diego Yacht Club, regarding waiving minimum rent; and C.F. Koehler, Koehler Kraft Company, Inc., requesting rent relief.

Ms. Morales added that staff read the above comments into the record to accommodate public comments for this particular meeting and are working on logistics to offer the public the ability to provide their own comments during future virtual public meetings.

Commissioner Zucchet, Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, and Commissioner Valderrama, provided comments and asked clarifying questions. Ms. Coniglio and Chief Mark Stainbrook, Harbor Police, responded.

Ms. Morales read into the record an additional public comment received: Janet Callow, Outboard Boating Club of San Diego and Shelter Island Ship Chandlers.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-033. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Wednesday, April 8, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

Special Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

C. District Clerk's Announcements.

Donna Morales, District Clerk, announced that many agenda-related items were received by the Board after the publication of the agenda through the public records email and will be made part of the record.

ACTION AGENDA

Randa Coniglio, President/CEO, announced that staff will be providing presentations on both agenda items together before stopping for questions and public comments as the items are closely related.

Ms. Coniglio began staff presentation for Item 1 - File No. 2020-0101 and Item 2 – File No. 2020-0167 (A copy of the staff reports, presentations and any agenda-related materials are on file with the Office of the District Clerk). The presentation proceeded using the following outline:

- *Opening Message*
- *Overview of Reserves*
- *Capital Improvement Program*
- *Revenue forecast assumptions and methodology*
- *FY 2021 Budget*
 - *Revenue with Methodology Applied*
 - *Expense by Account*

- Major Maintenance
- Equipment and Other Capital Projects
- Technology Capital Projects
- Budget Scenarios
- Project Impacts for Each Budget Scenario
- Review Revised Q4 Budget for FY 2020
- Tenant Status and Recommendations
- Federal and State Stimulus Opportunities
- Recommended Path Forward: Base Budget
- Next Steps

The following member(s) of the public addressed the Board with agenda-related comments:

Live comment: Brigette Browning, Unite Here Local 30; and Sophie Silvestri, Pasha Automotive.

Voice Mail Public Comment: Eric Welms, President, Harbor Police Officers Association; Neil Sjolander, Business Representative from Teamsters 911; Jacqueline Reynoso, President/CEO, National City Chamber of Commerce; Carol, JADA Charters; C.F Kohler, President, Kohler Craft Company; Chris Glen, Seaport Village Tenant; David Thornton, Old Town Trolley Tours; Dwight Colton, President, Fish Market Restaurants; Ken Manzoni, Adventuress LLC; Kevin Olenick, Swings and Things; Kyle Corbett, San Diego Sailing Tours; Mike McWilliams, San Pasqual Winery Tasting Room; Peter Mackauf, Ben & Jerry's Seaport Village; Sean Clancy, Sheraton San Diego; Name unknown, Tenant, Seaport Village; and Tom Driscoll, Driscoll Boat Works.

Commissioner Zucchet, Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Chair Moore, provided comments, and asked clarifying questions, Shaun Sumner, Vice President, Real Estate, Engineering and Facilities; Cid Tesoro, Assistant Vice President, Infrastructure; Robert DeAngelis, CFO/Treasurer; and Ms. Coniglio responded.

1. [2020-0101](#) ACCEPT PRELIMINARY BUDGET INFORMATION AND PROVIDE DIRECTION TO STAFF ON PREPARING THE FISCAL YEAR (FY) 2021 BUDGET INCLUDING DIRECTION ON A STAFF RECOMMENDATION TO PREPARE THE FY 2021 BUDGET PURSUANT TO A BASE CASE SCENARIO; TO REDUCE THE FY 2019-2023 CAPITAL IMPROVEMENT BUDGET BY \$5.7M AND REALLOCATE TO THE FY 2021 OPERATING BUDGET; TO USE CUMULATIVE UNRESTRICTED RESOURCES AND/OR OPERATING RESERVES TO FUND ANY REMAINING BUDGET DEFICIT; AND TO MONITOR THE DISTRICT'S PERFORMANCE AGAINST THE BUDGET FREQUENTLY, REPORTING ANY CHANGES TO THE BOARD AND RECOMMENDING ADJUSTMENTS TO RESPOND TO CHANGING ECONOMIC CONDITIONS IN CONNECTION WITH THE CORONAVIRUS (COVID-19) PANDEMIC
2. [2020-0167](#) RESOLUTION ESTABLISHING TEMPORARY RENT DEFERRAL PROGRAM FOR QUALIFYING CONCESSION TENANTS ALLOWING A TEMPORARY SUSPENSION OF MINIMUM RENTAL PAYMENTS AND DIRECTION TO STAFF, AS NECESSARY

Commissioner Zucchet made a motion to accept staff's recommendation related to temporary rent deferral, and to give staff further direction regarding an openness to a case-by-case assessment for rent deferral; return to the Board with recommendations relating to designating a deferral program "Czar", and direct staff to include a condition in the resolution regarding worker recall.

Commissioner Castellanos seconded the motion. Commissioner Zucchet called for an amendment to include direction to have staff present options regarding deferment timeline and fiscal impacts, and to include edits suggested by Commissioner Castellanos for Section 3, Section 4, and the addition of Worker Retention compliance. Commissioner Castellanos seconded the amendment, thereby adopting Resolution 2020-034. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, April 14, 2020

11:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0148](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:
PORT AUDITOR
Government Code Section 54957

No reportable action was taken on this item.

2. [2020-0172](#) Closed Session Item No. 2

PERSONNEL EVALUATION:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

No reportable action was taken on this item.

3. [2020-0149](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified
Port District, et al.

San Diego Superior Court Case No. 37-2018-00028276-CU-MC-CTL

No reportable action was taken on this item.

4. [2020-0150](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

Enterprise Rent-A-Car Co. of Los Angeles, LLC, et al. v San Diego Unified
Port District, et al.

San Diego Superior Court Case No. 37-2019-00029137-CU-MC-CTL

No reportable action was taken on this item.

5. [2020-0156](#) Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)

One (1) case

No reportable action was taken on this item.

6. [2020-0171](#) Closed Session Item No. 6

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.
United States District Court Case No. 15-CV-0578 WQH (JLB)

No reportable action was taken on this item.

7. [2020-0180](#) Closed Session Item No. 7

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

City of Imperial Beach, et al. v. The International Boundary & Water
Commission - United States Section, et al.
United States District Court, Case No. 3:18-CV-00457-JM-LL

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District,



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, April 14, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

D. Board Committee Reports.

Chair Moore reported on the Audit Oversight Committee. Chair Moore explained that the Committee met and received a review of the annual work plan for the Committee, which was recommended to the Board for approval; external committee member Ivan Sotomayor's reappointment for a three year term was recommended to the Board for approval; Acting Port Auditor Mark Yielding presented items regarding external auditor's Macias Gini and O'Connell (MGO) required engagement letter and proposed annual fee for performing the FY19/20 financial audit and single audit, a status report on audit activities related to the District's audit plan for FY20, and the status of hotline reports received through the District's Ethics Hotline received after the December 12th Committee meeting.

E. Commissioners' Reports.

No reports were provided.

F. President's Report.

No report was provided.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda related information was received by the Commissioners after the publication of the agenda for the following item: File No. 2019-0464.

Ms. Morales then reported that staff requested to continue the following items: Agenda Item 12 - File No. 2020-0132, Agenda Item 13 - File No. 2020-0133, Agenda Item 14 - File No. 2020-0134, Agenda Item 15 - File No. 2020-0135, Agenda Item 16 - File No. 2020-0136, Agenda Item 17 - File No. 2020-0137, Agenda Item 18 - File No. 2020-0138, Agenda Item 19 - File No. 2020-0140, Agenda Item 20 - File No. 2020-0158, Agenda Item 21 - File No. 2020-0165, Agenda Item 22 - File No. 2020-0174, and Agenda Item 23 - File No. 2020-0146.

On a motion by Commissioner Valderrama, seconded by Commissioner Castellanos, the Board accepted the requested docket changes for Agenda Items 12-22 and moved to hold a separate vote for Agenda Item 23. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0175](#) Approval of minutes for:

March 10, 2020 - CLOSED SESSION

March 10, 2020 - BPC MEETING

Commissioner Bonelli requested that the minutes for the March 10, 2020 Closed Session Meeting be amended to note that he arrived at 10:15 A.M.

On a motion by Commissioner Malcolm, seconded by Commissioner Valderamma, the Board adopted the minutes as amended. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted the Consent Agenda as follows: Resolution 2020-035; Ordinance 2971; Resolution 2020-036; Resolution 2020-037; Resolution 2020-038;

Resolution 2020-039; Resolution 2020-040; Resolution 2020-041; Ordinance 2972; Resolution 2020-042. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2019-0464](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KONE INC. FOR ELEVATOR AND ESCALATOR MAINTENANCE SERVICES FROM JULY 1, 2020 THROUGH JUNE 30, 2025 FOR A FIRST-YEAR COST OF \$87,000 WITH A MAXIMUM EXPENDITURE OF \$462,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR A 30-DAYS TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE FIRST YEAR WILL BE INCLUDED IN THE STAFF RECOMMENDED PRELIMINARY FUTURE FISCAL YEAR 2021 BUDGET.

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-035 as part of the Consent Agenda.
2. [2020-0028](#) ORDINANCE APPROVING SUBSTANTIALLY AND FOR A PERIOD UP TO TWO (2) YEARS THE FORM OF A 40-YEAR NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA FOR STREET AND UTILITY PURPOSES LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Ordinance 2971 as part of the Consent Agenda.
3. [2020-0073](#) RESOLUTION APPROVING THE 2020 ANNUAL WORK PLAN FOR THE AUDIT OVERSIGHT COMMITTEE PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 776, PORT AUDIT OVERSIGHT COMMITTEE POLICY

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-036 as part of the Consent Agenda.
4. [2020-0078](#) RESOLUTION REAPPOINTING IVAN SOTOMAYOR TO THE SAN DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE (AOC) FOR A SECOND TERM OF THREE YEARS DURATION COMMENCING MARCH 1, 2020

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-037 as part of the Consent Agenda.

5. [2020-0085](#) RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF HEALTH BENEFITS BROKER SERVICES AGREEMENT NO. 31-2017SN FROM WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. TO HUB INTERNATIONAL INSURANCE SERVICES, INC. DUE TO AN ACQUISITION
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-038 as part of the Consent Agenda.
6. [2020-0086](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2018-21R TO DE LA FUENTE CONSTRUCTION, INC. IN THE AMOUNT OF \$206,777.00 FOR THE SAND REPLENISHMENT AT KELLOGG BEACH PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2020 MAJOR MAINTENANCE PROGRAM AND OBLIGATED AS A RESULT OF GRANT FUNDING RECEIVED PURSUANT TO THE PASSAGE OF ASSEMBLY BILL 3101 IN SEPTEMBER 1978
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-039 as part of the Consent Agenda.
7. [2020-0099](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING, AND AFTER ORIGINALLY CONTEMPLATING AN INCREASE OF \$800,000, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY THE LESSER AMOUNT OF \$350,000 FOR A NEW MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT OF \$2,150,000 FOR SERVICES THROUGH NOVEMBER 30, 2021. EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-040 as part of the Consent Agenda.
8. [2020-0104](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT SWEETWATER PARK PROJECT
- On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-041 as part of the Consent Agenda.
9. [2020-0108](#) ORDINANCE GRANTING AN AMENDED, RESTATED AND COMBINED LEASE WITH BARTELL HOTELS, A CALIFORNIA LIMITED PARTNERSHIP, DBA HILTON SAN DIEGO AIRPORT, TO UPDATE LEASE PROVISIONS, AND EXTEND THE TERM BY 10 YEARS

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Ordinance 2972 as part of the Consent Agenda.

10. [2020-0124](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO GRANT INDEMNITY ANNUALLY TO SELECTED BOND COMPANIES IN CONNECTION WITH A REQUIRED BOND FOR ESTABLISHMENT OF A FOREIGN TRADE ZONE AT THE SAN DIEGO UNIFIED PORT DISTRICT TENTH AVENUE MARINE TERMINAL

On a motion by Commissioner Valderrama, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-042 as part of the Consent Agenda.

12. [2020-0132](#) RESOLUTION APPROVING CALENDAR YEAR 2020 ANNUAL WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY NO. 018, BOARD ADVISORY COMMITTEES

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

13. [2020-0133](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH LOGICALIS FOR NETWORK WIRELESS EQUIPMENT, IN AN AMOUNT NOT TO EXCEED \$250,000. EXPENDITURES FOR FISCAL YEAR 2020 ARE BUDGETED

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

14. [2020-0134](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION AND RESPONSE (SOAR) PLATFORM AND SYSTEM IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED <<\$\$\$\$,\$\$\$>> FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651) FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF <<\$\$\$\$,\$\$\$>>. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

15. [2020-0135](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH GIMMAL LLC. FOR:

1) RECORDS AND INFORMATION MANAGEMENT AUTOMATION SOFTWARE LICENSES IN AN AMOUNT NOT TO EXCEED \$52,362, AND

2) IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$66,240, AND

3) SHAREPOINT BEST PRACTICES IN AN AMOUNT NOT TO EXCEED \$41,670,

FOR A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$502,200. FISCAL YEAR 2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

16. [2020-0136](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY LLC FOR MESH DATA RADIO SYSTEM EXPANSION AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$205,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FISCAL YEAR 2020 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SAFETY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

17. [2020-0137](#) RESOLUTION APPROVING CALENDAR YEAR 2020 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS (BPC)

POLICY NO. 018, BOARD ADVISORY COMMITTEES

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

18. [2020-0138](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-23 TO FORDYCE CONSTRUCTION, INC. IN THE AMOUNT OF \$548,646.00 FOR THE PORT PAVILION IMPROVEMENTS FOR ADDITIONAL OCCUPANCY PROJECT AS AUTHORIZED BY THE BOARD IN THE FY2020 EQUIPMENT OUTLAY AND OTHER CAPITAL OUTLAY PROJECTS BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

19. [2020-0140](#) RESOLUTION ADOPTING A LINE ITEM BUDGET IN AN AMOUNT NOT TO EXCEED \$XXX,XXX IN SPONSORSHIP FUNDING AND NOT TO EXCEED \$X,XXX,XXX IN WAIVED DISTRICT SERVICES TO SUPPORT XX EVENTS THROUGH THE PORT OF SAN DIEGO FY21 TIDELANDS ACTIVATION PROGRAM; FUNDS REQUIRED FOR FY21 WILL BE BUDGETED IN THAT FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

20. [2020-0158](#) RESOLUTION AUTHORIZING AGREEMENT FOR PURCHASE OF FIVE YEARS OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT SUBSCRIPTION FROM APRIL 15, 2020 THROUGH APRIL 14, 2025 FOR AN AMOUNT NOT TO EXCEED \$212,566 FOR THE INITIAL FIVE YEAR TERM AND AUTHORIZING ADDITIONAL SUBSCRIPTION AND SUPPORT RENEWAL FOR FUTURE YEARS. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

21. [2020-0165](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR A MOBILE PARKING REGULATION ENFORCEMENT AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE AS A SERVICE IMPLEMENTATION AND SUBSCRIPTION. AGREEMENT NOT TO EXCEED \$85,775 FOR TWO YEARS WITH THREE ONE-YEAR OPTIONS TO RENEW AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$177,275. FY2020 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future board meeting.

11. [2020-0144](#) COVID-19
- A. RESOLUTION REVIEWING THE PROCLAIMED LOCAL EMERGENCY PURSUANT TO BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT;
- B. RESOLUTION DESIGNATING DISTRICT'S AGENTS FOR REQUESTING DISASTER ASSISTANCE FROM THE STATE OF CALIFORNIA;
- C. RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT, TO UPDATE CERTAIN POSITION TITLES AND TIMEFRAMES.

This item was pulled from the Consent Agenda for additional discussion per Commissioner Merrifield's request. Commissioner Bonelli, Commissioner Merrifield, Chair Moore, and Commissioner Zucchet provided comments and asked clarifying questions. Simon Kann, Deputy General Counsel V, Office of the General Counsel; Matthew Brown, Homeland Security Program Manager, Harbor Police Department; and Thomas Russell, General Counsel, Office of the General Counsel, responded.

On a motion by Commissioner Merrifield, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-043, Resolution 2020-044, and Resolution 2020-045 with the direction that an item containing updates on the state of emergency related to COVID-19 and the resulting economic situation be placed on all future Board of Port Commissioners agendas for the duration of the state of emergency. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

PUBLIC HEARING AGENDA

22. [2020-0174](#) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) FOR A TERM OF THREE (3) YEARS

The Board will consider Staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

ACTION AGENDA

23. [2020-0146](#) PRESENTATION ON OPPORTUNITY FOR DEVELOPMENT OF SHIPYARD REPAIR FACILITY AT NATIONAL CITY MARINE TERMINAL AND DIRECTION TO STAFF

The Board will consider staff's request to continue this item to a future Board meeting.

Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chair Moore, and Commissioner Valderamma provided comments.

The following member(s) of the public addressed the Board with agenda-related comments: David Alvarez, Austal USA; Clarissa Falcon, Falcon Strategies.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, The Board continued this item to the May Board meeting and directed staff to return with an analysis of the proposed and potential sites.

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

24. [2020-0002](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MAY 19, 2020 MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Valderrama, the Board adopted the proposed agenda for May. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

25. [2020-0173](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from Paradise Creek Educational Park, Inc. for Bundle Fee for Routine Review, for total amount \$500.00 B) Request for User Fee Waiver Form from Regents of the University of California - Scripps Institution of Oceanography for Wave and Ground Water Monitoring, for total amount \$500.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, May 19, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

- Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet
- Excused:** 1 - Chairperson Moore
- Absent:** 0

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0189](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. Landmark Insurance Company, et al.
United States District Court Case No. 3:15-cv-01401 BEN (MDD)

United States Court of Appeals for the Ninth Circuit,
No. 19-55409, 19-55448

No reportable action was taken on this item.

2. [2020-0202](#) Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6

District Negotiator: Executive Director/President/Chief Executive Officer

Employee Organizations: California Teamsters, Public Professional & Medical Employees Union Local 911, Service, Maintenance, Operations

and Crafts Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Non-Sworn Safety Personnel Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Supervisory Unit, San Diego Harbor Police Officers Association

No reportable action was taken on this item.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, May 19, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet

Excused: 1 - Chairperson Moore

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, Russell

B. Pledge of Allegiance.

Commissioner Valderrama led the Pledge of Allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

E. Board Committee Reports.

Acting Chair Zucchet provided a report on the 2020 Budget Impact Ad Hoc Committee meetings held on May 7, 2020 and May 14, 2020. Acting Chair Zucchet explained how the Committee received reports on the District's financial situation during the COVID-19 outbreak, tenant rent deferral and waivers, the reopening of District parks and facilities, the status of the convention center, and District cooperation with the San Diego Port Tenants Association.

F. Commissioners' Reports.

No reports were provided.

G. President's Report.

Randa Coniglio, President/CEO, reported on the passing of Tim Schott, former Executive Director of the California Association of Port Authorities, and asked for a moment of silence. Ms. Conglio also reported on the passing of Paul Jablonski, former CEO of the

Metropolitan Transit system, and asked for a moment of silence.

Ms. Coniglio then invited Job Nelson, Chief Policy Strategist, to provide an update on state and federal financial support to local governments in response to the COVID-19 crisis. Mr. Nelson reported that the Port of San Diego made a direct request for support of thirty million dollars, which is being sent to Governor Newsom via the State Lands Commission. Mr. Nelson also reported that Ms. Coniglio, along with a representative from the Port of Oakland, made a presentation to the State Lands Commission regarding the financial impacts of COVID-19. Mr. Nelson thanked local organized labor for their support of the District's request for financial support. Mr. Nelson also reported on a potential fund being created by the State which the District may be eligible to receive funding from.

Mr. Nelson then reported on actions taken by the Federal Government in response to the financial impacts of COVID-19, particularly on the CARES Act. He further reported on the multiple outreach efforts the District has undertaken to advocate for financial assistance from the State and Federal governments and also reported on potential financial aid bills being considered by the Federal Government before turning the presentation back over to Ms. Coniglio.

Ms. Coniglio then reported that the District's executive team is meeting daily to monitor and react to the current COVID-19 situation and that there are regular meetings between the leadership and the District's labor union partners as well as regular meetings with the San Diego Port Tenants Association. Additionally, Ms. Coniglio reported on the activities of the Emergency Operations Center, the coordination with other agencies on the disembarkment of crew members from cruise ships, and the potential reopening of District parks and facilities.

H. District Clerk's Announcements.

Donna Morales, District Clerk, announced that agenda-related materials for Action Agenda Item 10 - File No. 2020-0190, Action Agenda Item 11 - File No. 2020-0115, Action Agenda Item 12 - File No. 2020-0205, Action Agenda Item 13 - File No. 2020-0208, and Action Agenda Item 14 - File No. 2020-0193 were submitted and are on file with the Office of the District Clerk.

Additionally, Ms. Morales reported that staff requested to continue the following items: Consent Agenda Item 6 - File No. 2020-0207; Consent Agenda Item 8 - File No. 2020-0192; Consent Agenda Item 9 - File No. 2020-0191; and the first resolution of Action Agenda Item 15 - File No. 2020-0168. And the following item no longer requires Board Action Consent Agenda Item 7 - File No. 2020-0182.

On a motion by Commissioner Merrifield, seconded by Commissioner Valderrama, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0201](#) Approval of minutes for:

March 23, 2020 - SPECIAL MEETING
 April 8, 2020 - SPECIAL MEETING
 April 14, 2020 - CLOSED SESSION
 April 14, 2020 - BPC MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the minutes. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted the Consent Agenda as follows: Resolution 2020-046; Resolution 2020-047; Resolution 2020-048; Resolution 2020-049; and Resolution 2020-050. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0129](#) RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 17-23, 2020

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-046 as part of the Consent Agenda.

2. [2020-0195](#) RESOLUTION PROCLAIMING MAY 6, 2020 AS SAN DIEGO COUNTY LAW ENFORCEMENT OFFICERS' MEMORIAL DAY AND MAY 10-16, 2020 AS NATIONAL POLICE WEEK

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-047 as part of the Consent Agenda.

3. [2020-0141](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE ORDER WITH CINTAS CORPORATION FOR UNIFORM SERVICES FROM AUGUST 8, 2020 THROUGH AUGUST 7, 2025 FOR A FIRST-YEAR COST OF \$40,000 WITH A MAXIMUM EXPENDITURE OF \$200,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR WITH CAUSE OR WITHOUT CAUSE SUBJECT TO THE PAYMENT OF A FEE. FUNDS REQUIRED FOR THE FIRST YEAR WILL BE INCLUDED IN THE STAFF RECOMMENDED PRELIMINARY FISCAL YEAR 2021 BUDGET.
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-048 as part of the Consent Agenda.**
4. [2020-0142](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MARINE GROUP BOAT WORKS, LLC. FOR AS-NEEDED FULL-SERVICE IMPOUNDED VESSEL SERVICES FROM JULY 1, 2020 THROUGH JUNE 30, 2025 FOR A FIRST-YEAR COST OF \$455,400 WITH A MAXIMUM EXPENDITURE OF \$3,550,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR A 30-DAY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE FIRST YEAR WILL BE INCLUDED IN THE STAFF RECOMMENDED PRELIMINARY FISCAL YEAR 2021 BUDGET.
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-049 as part of the Consent Agenda.**
5. [2020-0145](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO BARRY BLACKMORE FOR THE BLACKMORE SHORELINE STABILIZATION PROJECT AT 2834 QUALTROUGH STREET
- On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-050 as part of the Consent Agenda.**
6. [2020-0207](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT FROM MAY 20, 2020 THROUGH MAY 19, 2021 FOR A COST OF \$44,251 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, WITH AN ESTIMATED FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$221,022. THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. WITHOUT RENEWAL BY THE DISTRICT, AT ITS DISCRETION, THE AGREEMENT TERMINATES AUTOMATICALLY. FUNDS REQUIRED FOR THE FIRST YEAR HAVE BEEN BUDGETED IN FY20. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT

 TO BOARD APPROVAL

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

7. [2020-0182](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT OF FIVE YEARS FOR PARKING METER AND PAY STATION AS-NEEDED DATA SERVICES AND PURCHASE OF PARTS AND REPAIRS FROM IPS GROUP, INC. TO ALLOW FOR CONTINUED OPERATIONS OF THE DISTRICT'S PARKING METERS AND PAY STATIONS ON TIDELANDS. THE SOLE SOURCE SERVICE AGREEMENT IS FOR THE PERIOD OF MAY 1, 2020 TO APRIL 30, 2025, IN AN AMOUNT NOT TO EXCEED \$860,000, AND MAY BE TERMINATED UPON 30-DAY WRITTEN NOTICE. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

Staff entered into a shorter term agreement with reduced cost that does not require Board action. Staff may bring a longer term agreement forward for Board approval at a future Board meeting which may include other terms for the Board's consideration.

Board action is no longer required for this item.

8. [2020-0192](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION AND RESPONSE (SOAR) PLATFORM AND SYSTEM IMPLEMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED <<\$\$\$,\$\$\$>> FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651) FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF <<\$\$\$,\$\$\$>>. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

9. [2020-0191](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 110 AUTHORIZING A PURCHASE ORDER WITH GIMMAL LLC FOR GIMMAL RECORDS MANAGEMENT SOFTWARE IMPLEMENTATION

SERVICES AND LICENSING FROM 06/24/2020 THROUGH 06/30/2021 WITH FIRST YEAR COSTS OF \$118,602 AND MAXIMUM EXPENDITURE AMOUNT OF \$251,082 WITH A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$460,530. THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS REQUIRED FOR FY20 ARE BUDGETED AND FUNDS REQUIRED FOR FY21 WILL BE INCLUDED IN THE STAFF RECOMMENDED PRELIMINARY FY21 BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

ACTION AGENDA

10. [2020-0190](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Vice President/Chief Financial Officer, addressed the Board with Staff's report and presentation regarding Action Agenda Item 10 - File No. 2020-0190 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Neil Sholander, Teamsters Local 911.

Commissioner Merrifield and Commissioner Valderrama provided comments and asked clarifying questions. Mr. DeAngelis responded.

The Board received the report.

11. [2020-0115](#) PRESENTATION ON UNSOLICITED PROPOSAL FOR DEVELOPMENT OF A SHIPYARD REPAIR FACILITY AT NATIONAL CITY MARINE TERMINAL AND DIRECTION TO STAFF

Michael LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0115 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. LaFleur then turned the presentation to Joel Valenzuela, Director, Maritime, to provide a brief overview of Austal USA and their project proposal. Mr. Valenzuela then turned the presentation back over to Mr. LaFleur to discuss the analysis of San Diego Bay's capacity. Mr. LaFleur then turned the presentation back over to Mr. Valenzuela to discuss the site analysis of the proposed Berth 24-1. Mr. Valenzuela then turned the presentation to Jason Giffen, Vice President, Planning, Environment and Government Relations to review the preliminary analysis of other potential sites. Mr. Giffen then turned the presentation back to Mr. LaFleur to summarize staff's recommendation and the options available to the Board.

The following member(s) of the public addressed the Board with agenda-related comments: Angelica Ramirez; Alicia Sanchez; Mayor Alejandra Sotelo-Solis, City of National City; Bill Sisson, Mobile Chamber of Commerce; John Gerst, Porsche Cars North America; Kurt Augustine, Alliance for Automotive Innovators; Lyle Donovan, San

Diego Bay Pilots; Marguerite Garcia; Marguerite Moreno; Maria Norma; Mary Seller; Maria Villanueva; Roberta Alexander; Ray Leonard; K Line America; Council Member Ron Morrison, City of National City; Clarissa Falcon, Falcon Strategies; Sharon Cloward, San Diego Port Tenants Association; Tim McCue, Austal USA; and Bill Rebarick, Austal USA.

In addition to the above public comments, the following presentations were given by members of the public, copies of which are on file with the Office of the District Clerk.

Austal USA

Presenters: Craig Perciavalle and David Alvarez

Ceding time: Glenn Bureson, Michael Andrews, Craig Savage, and Carey Uhle.

Various Regional Stakeholders

Presenters: Sophie Silvestri, Pasha Automotive Services; Diane Takvorian, David Flores, Margaret Goldshalk, Silvia Calzeda, and Danny Serrano, Environmental Health Coalition; Anthony Soniga, International Longshore and Warehouse Union; Bill Hall, The Working Waterfront.

Ceding time: Corchelle Worsham, San Diego Port Tenants Association; Frank Plant, Harborside Refrigerated Services; John Luan, San Diego Yacht Club; Allison Rolfe, Collaborative Land Use Solutions.

Marine Group Boat Works

Presenters: Todd Roberts

Various Labor/Union Stakeholders

Presenters: Keith Maddox, San Diego & Imperial Counties Labor Council

Ceding time: Satomi Ziegler; Alex Libby, Miller Public Affairs; Laura Fink, Rebelle Communications; Evangelina Hernandez, Kaitlyn Hailey, and Cristhian Carrillo, San Diego & Imperial Counties Labor Council.

Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama and Acting Chair Zucchet provided comments and asked clarifying questions. Mr. LaFleuer; Mr. Valenzuela; Thomas Russell, General Counsel, Office of the General Counsel; Bill Rebarick, Austal USA; and David Alvarez, CAUSA Consulting responded.

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board directed staff to continue discussions with Austal USA, analyze the various issues identified by regional stakeholders, analyze other potential berthing sites, and bring the results of that analysis back to the Board within 90 days. The motion failed by the following vote:

Yeas: 2 - Bonelli, and Valderrama

Nays: 4 - Castellanos, Malcolm, Merrifield, and Zucchet

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

On a motion by Commissioner Malcolm, seconded by Commissioner Merrifield, the Board directed staff to issue a Request for Information (RFI) to identify possible bay-wide opportunities for drydock, marine terminal, or other marine-related industrial uses and for the RFI to exclude Berth 24-1, to incorporate the various issues raised by regional stakeholders, and to conduct a demand study for Littoral Combat Ship (LCS) drydocks. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

12. [2020-0205](#) RESOLUTION ADOPTING BOARD OF PORT COMMISSIONERS POLICY NO. 779: TEMPORARY RENT DEFERRAL PROGRAM REHIRE POLICY

Anthony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2020-0205 (A copy of the staff report, presentation and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Bridgette Browning, San Diego Hotel Workers Union; Inez Garcia; Myles Robertson; Katelyn Hailey, San Diego & Imperial Counties Labor Council; and Sharon Cloward, San Diego Port Tenants Association. J. Rod Betts, PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP, spoke and was ceded time by Corchelle Worsham, San Diego Port Tenants Association; Frank Plant, Harborside Refrigerated Services; and John Luan. Richard Bartell, Bartell Hotels, spoke and was ceded time by Lydia Bartell.

Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Acting Chair Zucchet provided comments and asked clarifying questions. Simon Kann, Deputy General Counsel V, Office of the General Counsel; Mr. Bartell; and Mr. Betts responded.

A motion was made by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-051 as amended: Section 5 of the policy to change 20 hours to 25 hours; Section 6.C be amended to include the following language "would be determined by the employer in good faith" and remove the following language "same or similar position" and add language that offers of employment would be made via phone call, text message, email, and if the employee does not possess those capabilities that a letter would be sent to their last known address; and Section 9 would include that compliance would be determined by District staff at their reasonable discretion. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 2 - Malcolm, and Valderrama

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

13. [2020-0208](#) RESOLUTION ESTABLISHING TEMPORARY RENT DEFERRAL PROGRAM FOR QUALIFYING FIXED RENT TENANTS AND TARIFF FEE PAYING TENANTS ALLOWING A TEMPORARY SUSPENSION OF CERTAIN RENTAL AND TARIFF PAYMENTS WITH CONDITIONS AND DIRECTION TO STAFF, AS NECESSARY

Anthony Gordon, Director, Real Estate addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2020-0208 (A copy of the staff report, presentation and any agenda-related materials are on file with the Office of the District Clerk). Mr. Gordon then turned the presentation over to Joel Valenzuela, Director, Maritime, to discuss tenants paying tariff fees.

The following members of the public addressed the Board with agenda-related comments: Peter Flournoy, American Tunaboat Association; Bruno Schwartz, Aolani Catamaran Sailing; Ken Manzoni, The Adventurous Luxury Catamaran; Phillip, Sail Liberty; Sophie Silvestri, PASHA Automotive Services.

Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderamma, and Acting Chair Zucchet provided comments and asked clarifying questions. Mr. Gordon; Elizabeth Alonso, Deputy General Counsel V, Office of the General Counsel; and Thomas Russell, General Counsel, Office of the General Counsel responded.

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-052 as amended: additional language requiring fixed rate tenants receiving rent deferral to share it proportionately with their subtenants, revised the language for repayment from six months to ten months, and directed staff to consider bringing back the concession rent tenant deferral program to address subtenants. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

14. [2020-0193](#) PRESENTATION AND DIRECTION TO STAFF ON THE REOPENING OF DISTRICT PUBLIC FACILITIES IN CONSIDERATION OF NEW COUNTY OF SAN DIEGO COVID-19 SOCIAL DISTANCING PROTOCOLS

Ernesto Medina, Chief Engineer, Engineering-Construction, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2020-0193 (A copy of the staff reports, presentation and any agenda-related materials are on file with the Office of the District Clerk). Mr. Medina then turned the presentation over to Allen Broughton, Department Business Manager, General Services, to discuss County social distancing requirements and the associated costs for reopening District parks and facilities.

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, San Diego Port Tenants Association.

Commissioner Bonelli, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Acting Chair Zucchet provided comments and asked clarifying questions. Mr. Broughton and Randa Coniglio, President/CEO, responded.

On a motion by Commissioner Merrifield, seconded by Commissioner Malcolm, the Board directed staff to redesign park signage to clarify activities which are currently permitted, begin a dialogue with the City of Coronado regarding the reopening of District parks located within the City of Coronado and how maintenance costs would be handled, and to open parking lots at 50% capacity. The motion carried by the following vote:

Yeas: 5 - Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 1 - Bonelli

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

- 15. [2020-0168](#)**
- RESOLUTION TO REDUCE THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) BY \$5.7M AND ALLOCATE THE FUNDS TO THE CUMULATIVE UNRESTRICTED RESOURCES
 - RESOLUTION AUTHORIZING THE USE OF CUMULATIVE UNRESTRICTED RESOURCES OF APPROXIMATELY \$15.7M FOR THE FOLLOWING: OPERATING BUDGET DEFICIT \$9.9M, COAST GUARD BUILD-OUT \$2.2M, SEAPORT VILLAGE PRE-APPROVED FUNDING \$2.8M, AND MAJOR MAINTENANCE MULTI-YEAR PROGRAM CARRYOVER FUNDING OF \$0.8M
 - RESOLUTION NOT TO SOLICIT PROJECT APPLICATIONS OR HOLD A CIP WORKSHOP PURSUANT TO BOARD POLICY NO. 120
 - RESOLUTION ADOPTING THE FY 2021 PRELIMINARY BUDGET

AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS
JUNE 23, 2020

Robert DeAngelis, Vice President/Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2020-0168 (A copy of the staff report, presentation, and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with Agenda-related comments: Joy Williams, Environmental Health Coalition.

Commissioner Bonelli, Commissioner Castellanos, Commissioner Valderrama, and Acting Chair Zucchet provided comments and asked clarifying questions. Cid Tesoro, Assistant Vice President, Infrastructure and Joy Williams, Environmental Health Coalition answered.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Resolutions 2020-053, 2020-054, and 2020-055 and directed staff to restore funding to the Maritime Industrial Impact Fund when the fiscal situation later allowed. The Resolution to reduce the FY2019-2023 Capital Improvement Program (CIP) by \$5.7M and allocate the funds to the cumulative unrestricted resources was continued to a future Board meeting. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

**16. [2020-0177](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD
AGENDA FOR THE JUNE 23, 2020 MEETING**

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted the proposed agenda. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

17 [2020-0204](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

None to Report

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

A) Assignment and Assumption Review and Conditional Approval of Lease from Star & Crescent Boat Company dba Flagship Cruises & Events.

Dan Malcolm

Secretary, Board of Port Commissioners

San Diego Unified Port District

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, June 23, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

- Present:** 5 - Commissioner Bonelli, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet
- Excused:** 2 - Commissioner Castellanos, and Commissioner Malcolm
- Absent:** 0

Commissioner Zucchet was excused until he arrived at 10:20 A.M.

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0231](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. Landmark Insurance Company, et al.
United States District Court Case No. 3:15-cv-01401 BEN (MDD)

United States Court of Appeals for the Ninth Circuit,
No. 19-55409, 19-55448

No reportable action was taken on this item.

2. [2020-0212](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

City of Imperial Beach, et al. v. The International Boundary & Water Commission - United States Section, et al.

United States District Court, Case No. 3:18-CV-00457-JM-LL

Mr. Russell announced that the Board considered the items on the Closed Session Agenda, and stated that the Board took reportable action on Closed Session Item No. 2, Agenda File No. 2020-0212. Mr. Russell reported that the Board authorized execution of a settlement agreement with Veolia Water North America West, the parties to the settlement are the San Diego Unified Port District, the City of Imperial Beach, the City of Chula Vista, and Veolia Water North America West. The settlement requires Veolia Water North America West to reduce canyon collector spills attributable to its operation and maintenance practices, including by improving sediment and debris removal and taking temporary measures to increase diversion capacity. Veolia Water North America West will also reimburse \$185,000 for fees and costs incurred in the case, commensurate with its role in the litigation. This agreement does not resolve the District's claims against the International Boundary & Water Commission.

3. [2020-0214](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. San Diego Gas & Electric Company, et al.

San Diego Superior Court Case No. 37-2017-00041251-CU-BC-CTL

No reportable action was taken on this item.

4. [2020-0236](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

In re Bankruptcy Embarcadero Restaurant Holdings

United States Bankruptcy Court, S.D. California

Case No. 18-06718-CL7

No reportable action was taken on this item.

5. [2020-0220](#) Closed Session Item No. 5

CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6

District Negotiator: Executive Director/President/Chief Executive Officer

Employee Organizations: California Teamsters, Public Professional & Medical Employees Union Local 911, Service, Maintenance, Operations

and Crafts Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Non-Sworn Safety Personnel Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Supervisory Unit, San Diego Harbor Police Officers Association

No reportable action was taken on this item.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, June 23, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Commissioner Bonelli, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 2 - Commissioner Castellanos, and Commissioner Malcolm

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that the Board took reportable action on Closed Session Item No. 2 - Agenda File No. 2020-0212. Mr. Russell reported that the Board authorized execution of a settlement agreement with Veolia Water North America West, the parties to the settlement are the San Diego Unified Port District, the City of Imperial Beach, the City of Chula Vista, and Veolia Water North America West. The settlement requires Veolia Water North America West to reduce canyon collector spills attributable to its operation and maintenance practices, including by improving sediment and debris removal and taking temporary measures to increase diversion capacity. Veolia Water North America West will also reimburse \$185,000 for fees and costs incurred in the case, commensurate with its role in the litigation. This agreement does not resolve the District's claims against the International Boundary & Water Commission. Mr. Russell then added that no reportable action was taken on the other items on the Closed Session Agenda.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

Donna Morales, District Clerk, reported that Ramzi Hamdan requested to speak but had not joined the meeting.

D. Board Committee Reports.

Chair Moore provided a report on the Audit Oversight Committee Meeting held on June 1st, 2020. The agenda included a review of the Fiscal Year 20/21 audit plan and the committee recommended the approval of the Fiscal Year 20/21 audit plan to the Board for approval. Mark Yeilding, Acting Port Auditor, provided presentations on the status report on audit activities related to the District's audit plan for Fiscal Year 2020 and the

status of hotline reports received through the District's Ethics Hotline received after the April 6th Committee meeting.

Jason Giffen, Vice President of Planning, Environment and Government Relations, provided a report on behalf of Commissioner Castellanos for the Environmental Advisory Committee meeting held on June 3rd, 2020. The Committee unanimously approved its 2020 work plan, which will focus on the Port Master Plan Update, the Blue Economy Incubator, climate planning, Environmental Fund projects, and natural resources projects. The Committee also received a presentation from Port staff on the status of the Port Master Plan Update – Ecology Element, which is currently being revised based on comments received on the PMPU Discussion Draft. Staff provided an update on the San Diego Bay Native Oyster Living Shorelines Project. The location for the Project was changed after review and feedback from its Technical Advisory Committee and resource agencies. Staff, with the support of the State Coastal Conservancy, are currently in the process of applying for a grant to fund construction. Staff also gave an update on the Pond 20 Mitigation Banking project, which is planning to release its draft Environmental Impact Report for public comments later this summer. Mr. Giffen then reported that the next Environmental Advisory Committee meeting is planned for September 16th, 2020.

Chair Moore provided a report on the Budget Impact ad hoc committee which was formed to address the economic impacts on the District's budget induced by the COVID-19 pandemic. The committee met on May 27th and again on June 10th. On May 27th, staff provided an update on Seaport Village which covered budgets, activations, and rent relief. Additionally, staff discussed leasing strategies and approaches for prospective new tenants. Leasing interest remains high in Seaport Village and staff is continuing to work to attract and retain quality tenants. Staff also presented proposed modifications to the Seaport Entertainment restaurant lease. On June 10th, staff presented a preliminary recommendation regarding additional rent relief for the non-Seaport tenants. Additionally, staff provided an update on the FY 20 budget and the process of reopening facilities to the public.

E. Commissioners' Reports.

Commissioner Bonelli reported that he observed the sand replenishment at Kellogg Beach is going well and the beach is still being utilized during the replenishment project.

F. President's Report.

Randa Coniglio, President/CEO, recognized and celebrated Scott Lewis for his retirement after thirty years of service at the San Diego Unified Port District. Ms. Coniglio reported how Mr. Lewis moved to San Diego in 1984 and joined the District in 1990 in the Fleet Shop. In 2015 Mr. Lewis transferred into the Maintenance Mechanic Shop. Over his 30 years of service, Mr. Lewis was a union steward for 28 years and a Chief Shop Steward for 8 years. Ms. Coniglio thanked Scott for his service and wished him a happy retirement. Ms. Coniglio then turned it over to Mr. Lewis who thanked her for the kind words and commented on his experience at the District. Chair Moore and Commissioner Merrifield then thanked Mr. Lewis for his service and wished him a happy retirement.

Ms. Coniglio then provided an update on how the Tuna Harbor Dockside Market is operating during the COVID-19 crisis. Ms. Coniglio reported how the Market has been extending their Saturday hours on busy days from 8 am to 3 pm. Ms. Coniglio then noted how our commercial fishing industry has implemented protocols pursuant to County of San Diego Health Department orders to ensure public safety. The protocols include: social distancing facilitated through markings on the pier to indicate required distance between customers who are queued to enter the market; the number of individuals

allowed into the market are kept at a minimum level; sellers and customers are required to wear masks; stalls are distanced accordingly; and customers can also order online on Thursdays at 5pm to Friday at 5pm through an online store for curbside pick-up. A short video illustrating the Market's operations was then shown. Ms. Coniglio then urged everyone to support the fishermen at the Market and reported on the completion of the replacement of dock 2 at Tuna Harbor. The contract was approved by this Board in the November Board Meeting and involved the removal of an existing wooden floating dock and the replacement with heavier more structurally sound pre cast concrete floating dock at a cost of approximately \$1.9 million. Ms. Coniglio congratulated Engineering, Maritime, General Services, and Harbor Police staff for their collaboration in completing the repair.

Ms. Coniglio then provided an update on the District's operations during COVID-19. Ms. Coniglio reported that one additional employee tested positive for COVID-19, but noted that only two District employees have tested positive. The District will continue following all public health guidance and prioritize the safety of District employees. Ms. Coniglio reported how staff have worked to assist District tenants in reopening and that the sport fishing fleet and harbor tours are now operating with safety measures in place. Ms. Coniglio reported that the District and its tenants' interests are very much aligned and that the proposed FY21 budget was designed with various assumptions regarding reopening. Ms. Coniglio emphasized that there is uncertainty regarding how quickly and to what degree businesses can reopen, and that this situation would be monitored closely so that the District can respond accordingly.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that agenda-related materials for Action Agenda Item 14 - File No. 2020-0131 were submitted and are on file with the Office of the District Clerk.

Additionally, Ms. Morales reported that staff requested to continue the following items: Consent Agenda Item 2 - File No. 2020-0221, Consent Agenda Item 6 - File No. 2020-0219, and Action Agenda Item 14 - File No. 2020-0131.

Ms. Morales also reported that three requests to speak had been received from Danny Serrano, David Flores, and Diane Takvorian with the Environmental Health Coalition for Item 14 - File No. 2020-0131. Chair Moore asked if the three speakers would like to register their comments today or if they would like to speak at the future meeting when the item is heard. Danny Serrano, Environmental Health Coalition, commented that the Environmental Health Coalition is in support of the item's continuance.

On a motion by Commissioner Valderrama, seconded by Commissioner Bonelli, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

Following the adoption of the requested docket changes, Chair Moore asked if the three speakers for Item 14 - File No. 2020-0131 still wished to speak today now that the item had been continued. Danny Serrano, Environmental Health Coalition, noted that the three speakers from the Environmental Health Coalition had no additional comments.

APPROVAL OF MINUTES

[2020-0230](#) Approval of minutes for:

May 19, 2020 - CLOSED SESSION

May 19, 2020 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Merrifield, the Board approved the minutes. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Bonelli, seconded by Commissioner Valderrama, the Board adopted the Consent Agenda as follows: Resolution 2020-056; Resolution 2020-057; Resolution 2020-058; Resolution 2020-059; Resolution 2020-060; Resolution 2020-061; and Ordinance 2973. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

1. [2019-0511](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM SHI INTERNATIONAL CORP. FOR ENTERPRISE VULNERABILITY MANAGEMENT FROM JULY 23, 2020 THROUGH JULY 22, 2021 FOR A COST OF \$44,251 AND AUTHORIZING SUBSEQUENT ANNUAL

SUBSCRIPTIONS, WITH AN ESTIMATED FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$221,022. THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. WITHOUT RENEWAL BY THE DISTRICT, AT ITS DISCRETION, THE AGREEMENT TERMINATES AUTOMATICALLY. FUNDS REQUIRED FOR THE FIRST YEAR HAVE BEEN BUDGETED IN FY20. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL.

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-056 as part of the Consent Agenda.

2. [2020-0221](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION, AND RESPONSE (SOAR) PLATFORM FROM AUGUST 23, 2020 THROUGH AUGUST 22, 2021 FOR A COST OF \$75,000 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, IN AN AMOUNT NOT TO EXCEED \$200,454 FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651). THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

3. [2020-0093](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT WITH VIGILANT SOLUTIONS FOR AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE TO ENFORCE PARKING REGULATIONS AND SOFTWARE AS A SERVICE IMPLEMENTATION AND SUBSCRIPTION. AGREEMENT NOT TO EXCEED \$85,775 FOR TWO YEARS WITH THREE ONE-YEAR OPTIONS TO RENEW AND A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$177,275. FY2021 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-057 as part of the Consent Agenda.

4. [2020-0094](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 110 AUTHORIZING A PURCHASE ORDER WITH GIMMAL LLC FOR GIMMAL RECORDS MANAGEMENT SOFTWARE LICENSING AND

SERVICE AGREEMENT FOR IMPLEMENTATION SERVICES FOR A PILOT PROJECT FROM 06/24/2020 THROUGH 06/30/2021 WITH A MAXIMUM EXPENDITURE AMOUNT OF \$114,551. THIS PILOT PROJECT MAY LEAD TO SIGNIFICANTLY LOWER RECURRING COSTS OF PORT-WIDE RECORDS MANAGEMENT. FUNDS REQUIRED FOR FY20 ARE BUDGETED AND FUNDS REQUIRED FOR FY21 ARE INCLUDED IN THE RECENTLY ADOPTED PRELIMINARY FY21 BUDGET. THIS EXPENDITURE IS CONSIDERED ESSENTIAL

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-058 as part of the Consent Agenda.

5. [2020-0100](#) RESOLUTION APPROVING CALENDAR YEAR 2020 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018, BOARD ADVISORY COMMITTEES

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-059 as part of the Consent Agenda.

6. [2020-0219](#) RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR \$33,830 AND A CONTRACT TIME EXTENSION OF 170 DAYS FOR CONTRACT NO. 2018-27, SWEETWATER BICYCLE PATH AND PROMENADE PROJECT, TO ALIGN PROJECT COMPLETION WITH THE ADJACENT COSTA VISTA RV RESORT PROJECT, WITH NO INCREASE TO THE GRANT FUNDED BOARD APPROVED PROJECT BUDGET, PURSUANT TO BPC POLICY NO.110

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

7. [2020-0188](#) RESOLUTION APPROVING THE AUDIT PLAN FOR FY20/21 PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-060 as part of the Consent Agenda.

8. [2020-0196](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Resolution 2020-061 as part of the Consent Agenda.

9. [2020-0218](#) ORDINANCE GRANTING AMENDMENT NO. 2 TO LEASE WITH SEAPORT ENTERTAINMENT, LLC TO MODIFY THE RENT PROVISIONS OF THE LEASE INCLUDING EXTENDING THE RENT COMMENCEMENT PERIOD FROM JULY 1, 2020 TO MAY 1, 2021 FOR

A PROPOSED FULL-SERVICE RESTAURANT LOCATED AT SEAPORT VILLAGE AT 849 W. HARBOR DRIVE, SUITE E3, IN SAN DIEGO

On a motion by Commissioner Bonelli, seconded by Commissioner Valderamma, the Board adopted Ordinance 2973 as part of the Consent Agenda.

ACTION AGENDA

10. [2020-0200](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Vice President/Chief Financial Officer, addressed the Board with Staff's report and presentation regarding Action Agenda Item 10 - File No. 2020-0200 (A copy of the staff report, presentation, and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None.

Commissioner Merrifield and Chair Moore provided comments.

The Board received the report.

11. [2020-0223](#) PRESENTATION AND UPDATE ON THE REOPENING OF DISTRICT AMENITIES AND FACILITIES AND EFFORTS SUPPORTING TENANTS IN CONCERT WITH THE COUNTY OF SAN DIEGO ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS AND DIRECTION TO STAFF

Cid Tesoro, Assistant Vice President of Infrastructure, addressed the Board with Staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0223 (A copy of the staff report, presentations, and any agenda-related materials are on file with the Office of the District Clerk). Mr. Tesoro then turned the presentation to Michael Brown, Vice President of Marketing & Communications to discuss District tenant reopening marketing support. Mr. Brown then turned the presentation to Job Nelson, Chief Policy Strategist, to discuss the District's role in lobbying for various tenant sectors to reopen and on current and potential future stimulus efforts. Mr. Nelson then turned the presentation back to Mr. Tesoro to discuss current and future reopening efforts.

The following member(s) of the public addressed the Board with non agenda-related comments: None

Commissioner Merrifield asked a question and President/CEO Randa Coniglio responded. Chair Moore, Commissioner Merrifield, Commissioner Valderrama, and Commissioner Zucchet provided comments. Commissioner Bonelli asked staff to return to him with the point of contact for the anchorages in Glorietta Bay.

The Board directed staff to identify how other jurisdictions are reopening their administrative buildings and conducting public meetings, identify ways for high risk employees to opt out of returning to the office, and to return with different options for ways to reopen the District's administration building and conduct public meetings.

12. [2020-0224](#) RESOLUTION COMBINING AND MODIFYING THE TEMPORARY RENT DEFERRAL PROGRAM FOR QUALIFYING CONCESSION RENT TENANTS AND FIXED RENT TENANTS INTO THE EXTENDED AND COMBINED RENT DEFERRAL PROGRAM AND DIRECTION TO STAFF, AS NECESSARY

Anthony Gordon, Director of Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2020-0224 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with non agenda-related comments: Richard Bartell, Bartell Hotels; Sharon Cloward, San Diego Port Tenants Association; Peter Flournoy, American Tunaboat Association; Chuck Abbott, Intercontinental San Diego; Catherine Wells, Hornblower Cruises and Events; Frank Ursitti, United Sportfishers of San Diego; Jim Keane, Wetzel's Pretzels; Marion Braun, Marion's Fish and Seafood Restaurant; Peter Mackauf, KM West Coast Inc DBA Ben and Jerry's; Ramzi Hamdan; Susan Bowman, Bali Hai and Tom Ham's Lighthouse; Tina Belinsky, Village Hat Shop; Virginia Camacho, Seaport Island Fashion.

Commissioner Merrifield, Commissioner Valderrama, Commissioner Zucchet, Commissioner Bonelli, and Chair Moore provided comments and asked questions. Mr. Gordon responded.

On a motion by Commissioner Merrifield, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-062 and directed staff to clarify that no interest or late fees would be applied to the deferred amounts if paid in full by the program's deadline. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

PUBLIC HEARING AGENDA

- 13.0 [2020-0194](#) A) CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2021 FINAL BUDGET INCLUDING CHANGES FROM THE APPROVED PRELIMINARY BUDGET TO (1) ADD \$575,000 TO NON-PERSONNEL APPROPRIATED ITEM FOR STRATEGIC ACTIVATIONS AND ENHANCEMENTS FOR SEAPORT VILLAGE TO BE FUNDED FROM RESERVES, AND (2) TRANSFER \$150,000 FROM ORDINARY ANNUAL EXPENSE BUDGET TO THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET FOR CAPITAL LABOR RELATED TO THE COAST GUARD BUILD OUT LEASEHOLD IMPROVEMENT PROJECT AND SECURITY IMPROVEMENTS AT HARBOR POLICE DEPARTMENT (HPD) PROJECT
- B) RESOLUTION WAIVING BPC POLICY NO. 730 - PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY AND NOT DEPOSIT THE FY 2021 ANNUAL SET ASIDE OF \$637,900 TO THE ENVIRONMENTAL FUND
- C) RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2021 ANNUAL SET ASIDE OF \$134,600 TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF)
- D) RESOLUTION WAIVING BPC POLICY NO. 117 - OPERATING RESERVE POLICY, TO ALLOW THE USE OF OPERATING RESERVE TO PARTIALLY FUND THE FY 2021 BUDGET ONCE THE CUMULATIVE UNRESTRICTED RESOURCES ARE EXHAUSTED, HOWEVER THE OPERATING RESERVE BALANCE SHALL IN NO EVENT GO BELOW THE MINIMUM REQUIRED \$20M.

Robert DeAngelis, Vice President and Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 13.0 - File No. 2020-0194 and Action Agenda Item 13.1 - File No. 2020-0184 (A copy of the staff reports, presentations, and any agenda-related materials are on file with the Office of the District Clerk).

Chair Moore opened the Hearing for public comment.

The following member(s) of the public addressed the Board with non agenda-related comments: None

Chair Moore closed the Public Hearing.

Commissioner Zucchet, Commissioner Valderrama, Commissioner Merrifield, Commissioner Bonelli, and Chair Moore provided comments and asked questions, Mr. DeAngelis responded.

On a motion by Commissioner Zucchet, seconded by Commissioner Valderrama, the Board adopted Ordinance 2974, Resolution 2020-063, Resolution 2020-064, and Resolution 2020-065. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

- 13.1** [2020-0184](#) ORDINANCE AMENDING SALARY ORDINANCE NO. 2953 ENTITLED “AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT” AND RESOLUTION ESTABLISHING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2020/2021

On a motion by Commissioner Zucchet, seconded by Commissioner Valderrama, the Board adopted Ordinance 2975 and Resolution 2020-066. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA CONTINUED

- 14.** [2020-0131](#) MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:
- A) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE “MITSUBISHI CEMENT CORPORATION AT WAREHOUSE C: BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT,” ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION;
- B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT

WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION;
 C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION

This item was continued to a future Board meeting.

15. [2020-0197](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 14, 2020 MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Merrifield, the Board approved the proposed agenda for July 14, 2020. The motion carried by the following vote:

Yeas: 5 - Bonelli, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 2 - Castellanos, and Malcolm

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

16. [2020-0222](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Contract No. 2019-17 with Urban Corps of San Diego County / \$97,590.44 Increase & 10 Calendar Day Time Extension thru 06/24/20

B) Change Order No. 1 to Contract No. 2019-45 with Cass Construction, Inc. dba Cass Arrieta / Increases Contract by \$4,664.30

C) Change Order No. 1 to Contract No. 2019-04 with Bellingham Marine Industries, Inc. / Increases Contract by \$109,940.52

D) Change Order No. 1 to Contract No. 2017-07 with SD Stature, Inc. /

Increases Contract by \$10,285.86 & 27 Calendar Day Time Extension thru 06/22/20

E) Change Order No. 1 to Contract No. 2019-21 with Slater Waterproofing, Inc. / Decreases Contract by \$5,540.00 & 35 Calendar Day Time Reduction thru 05/13/20

F) Change Order No. 1 to Contract No. 2018-27 with 3-D Enterprises, Inc. / Increases Contract by \$10,613.25 & 120 Calendar Day Time Extension thru 07/05/20

G) Change Order No. 1 to Contract No. 2019-44 with SoCal Building, & Restoration, Inc. DBA SoCal Building Group / 39 Calendar Day Time Extension thru 06/30/20

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

A) Rent Review Administrative Approval Letter with Fifth Avenue Landing, LLC for Rental Period Beginning 05/07/20 thru 05/06/30

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

A) Amendment No. 1 to Lease (#70907) with Seaport Entertainment, LLC. / Deletes and Replaces Section 8.1.1.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, July 14, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

A. Roll Call.

- Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, and Commissioner Valderrama
- Excused:** 1 - Commissioner Zucchet
- Absent:** 0

Officers Present: DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0262](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.
United States District Court Case No. 15-CV-0578 WQH (JLB)

No reportable action was taken on this item.

2. [2020-0261](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

In re Bankruptcy Embarcadero Restaurant Holdings
United States Bankruptcy Court, S.D. California
Case No. 18-06718-CL7

No reportable action was taken on this item.

3. [2020-0268](#) Closed Session Item No. 3
- CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8
- Property: Approximately 194,000 square feet of land area located in Warehouse C at the Tenth Avenue Marine Terminal
- Negotiating Parties:
Mitsubishi Cement Corporation - Mike Jasberg
SDUPD - Shaun Sumner, Tony Gordon, Ryan Donald, Chris Hargett, Joel Valenzuela, and Michael LaFleur
Under Negotiations: Price and Terms
- No reportable action was taken on this item.*
4. [2020-0260](#) Closed Session Item No. 4
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)
- Two (2) cases
- No reportable action was taken on this item.*
5. [2020-0259](#) Closed Session Item No. 5
- CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9
- One (1) Case
- No reportable action was taken on this item.*
6. [2020-0263](#) Closed Session Item No. 6
- CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8
- Property: SDUPD - Parcels of land totaling approximately 147,642 square feet, 45,590 square feet, and 25,643 square feet located adjacent to Convention Way between Marina Park Way and Park Blvd in the City of San Diego, California
- Negotiating Parties:
Fifth Avenue Landing, LLC - Arthur E. Engel and Raymond A. Carpenter
SDUPD - James Hammel, Lucy Contreras, Adam Meyer, Tony Gordon, Shaun Sumner

Under Negotiations: Price and Terms

No reportable action was taken on this item.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, July 14, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Moore, and Commissioner Valderrama

Excused: 1 - Chairperson Zucchet

Absent: 0

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association.

D. Board Committee Reports.

No reports were provided.

E. Commissioners' Reports.

Commissioner Malcolm provided a video and images as he addressed the emergency event that occurred when the USS Bonhomme Richard caught fire in San Diego Bay. Commissioner Malcolm reported that the Harbor Police Department was amongst the first responders at the ship fire, and explained that HPD Officers took action as they hosed down the ship to prevent superheating. Commissioner Malcolm included that the responders understood the danger of the situation and that their actions were brave and heroic. Commissioner Malcolm and Chair Moore added that the Harbor Police Department should be recognized at a future Board of Port Commissioners meeting.

Emergency Item

Commissioner Valderrama discussed the impacts of the smoke from the USS Bonhomme Richard fire on communities in Barrio Logan and National City and requested to add an emergency item to the agenda to address the effects of smoke pollution on these communities. Commissioner Merrifield seconded the addition of an emergency item in order to discuss immediate ways to mitigate damage from the smoke pollution, and added that this could include the use of the Maritime Industrial Impact Fund. Chair Moore clarified and confirmed the motion proposed by Commissioner Valderrama and Commissioner Merrifield is to add an emergency item to the Agenda that would address the possibility of using the Maritime Industrial Impact Fund for the effects of the USS Bonhomme Richard fire. Chair Moore further clarified that this item was not previously on

the Agenda due to the fact that this event occurred after the Agenda had been published.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board approved the amendment to the agenda to add an Emergency item. The motion passed by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 0

Commissioner Valderrama discussed options for mitigation of risk to impacted communities from the USS Bonhomme Richard fire. This included the waiving requirements of BPC Policy 773 in order to access Maritime Industrial Impact Fund, identifying possible hotel accommodations, and purchasing air filters. Commissioner Merrifield added an update on identifying the feasibility of accessing available hotel rooms and suggested an ad hoc be formed to provide input to staff in the development of an assistance program; the committee to include himself, and Commissioner Valderrama. Additionally, Commissioner Castellanos noted he would like to participate in the ad hoc as well.

The following member(s) of the public addressed the Board with agenda-related comments: Corinne Wilson, Georgette Gomez's Office, City of San Diego; Mayor Sotelo-Solis, City of National City; and Diane Takvorian, Environmental Health Coalition.

Commissioner Castellanos, Commissioner Valderrama, Commissioner Merrifield, Commissioner Bonelli, Commissioner Malcolm, and Chair Moore provided comments and asked clarifying questions. Robert DeAngelis, CFO/Treasurer; Shaun Sumner VP, Real Estate, Engineering & Facilities; and Mark Stainbrook, VP, Public Safety/Chief of Harbor Police responded.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board waived the requirements of BPC Policy 773 for expenditures from the Maritime Industrial Impact Fund (MIIF) and authorized the expenditure of \$200,000 from the MIIF to mitigate risk to impacted communities from the USS Bonhomme Richard fire. The motion passed by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 0

F. President's Report.

Shaun Sumner, Vice President, Real Estate, Engineering & Facilities, provided the President's Report on behalf of President/CEO Randa Coniglio. Mr. Sumner introduced Larry Schmitz, owner and operator of Terminalift. Mr. Sumner mentioned that the San Diego Port Tenants Association and five Port tenants were awarded a six-million-dollar grant from the California Energy Commission to test the operation capability of electric vehicles and equipment in the marine and seaport industrial environment. Larry Schmitz discussed the success his company has had with electric trucks for short-ranged operations. Mr. Schmitz presented a video that demonstrated the use of electric equipment being used, and provided an update for future projects.

Shaun Sumner provided an update that Teamsters Local 911 and the Harbor Police Officers Association have both agreed to pay concessions that will take effect October 1st, 2020. Mr. Sumner thanked both Teamsters and the Harbor Police Officers Association for meeting and working with Port staff. Mr. Sumner also thanked all front-line workers including General Services, Harbor Police, and Maritime.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda related materials were received for the following items: Agenda Item No. 6 – File No. 2020-0235, and Agenda Item No. 9 - File No. 2020-0251. Ms. Morales also announced that eight voice mails were received regarding Grand Caribe Shoreline Park, two of which refer to Consent Agenda Item No. 2. Donna Morales added that these will be played prior to the consent vote. Additionally, Ms. Morales announced that the board will consider staff's request to continue Item No. 1 - File 2020-0253.

Commissioner Castellanos announced that he is recused himself from Item 3 on the Consent Agenda and requested that Item 3 be voted on separately from the Consent Agenda.

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos the Board approved the requested docket changes. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0264](#) Approval of minutes for:

June 23, 2020 - CLOSED SESSION

June 23, 2020 - BPC MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Valderrama, the Board approved the minutes by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

The following member(s) of the public addressed the Board with agenda-related comments: Jim V, Coronado Cays Resident; Jennifer Blaire, Coronado Cays Resident, Helen Kupka, Coronado Cays Resident, Mary Berube, Coronado Cays Resident; Robin H., Coronado Cays Resident, Tracy; and Yvette Hickson, Kingston Court East.

On a motion by Commissioner Castellanos, Seconded by Commissioner Malcolm the board adopted the revised Consent Agenda as follows: Resolution 2020-067 and Ordinance 2976. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0253](#) RESOLUTION APPROVING CHANGE ORDER NO. 3 FOR \$33,830 AND A CONTRACT TIME EXTENSION OF 170 DAYS FOR CONTRACT NO. 2018-27, SWEETWATER BICYCLE PATH AND PROMENADE PROJECT, TO ALIGN PROJECT COMPLETION WITH THE ADJACENT COSTA VISTA RV RESORT PROJECT, WITH NO INCREASE TO THE GRANT FUNDED BOARD APPROVED PROJECT BUDGET, PURSUANT TO BPC POLICY NO.110

The Board will consider staff's request to continue this item to a future Board meeting.

This Consent Item was continued to a future board meeting.

-
2. [2020-0234](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF JULY 2020 AS PARK AND RECREATION MONTH, ENCOURAGING PEOPLE TO GET ACTIVE, ENJOY THE OUTDOORS, AND STAY HEALTHY AND SAFE DURING THE PANDEMIC
- On a motion by Commissioner Castellanos, Seconded by Commissioner Malcolm the Board adopted Resolution 2020-067 as part of the Consent Agenda.**
4. [2019-0326](#) ORDINANCE GRANTING A TEN-YEAR LEASE WITH ONE, THREE-YEAR OPTION TO EXTEND TO THE UNITED STATES OF AMERICA GENERAL SERVICES ADMINISTRATION ON BEHALF OF THE UNITED STATES COAST GUARD FOR OFFICE AND WAREHOUSE SPACE LOCATED AT THE NATIONAL DISTRIBUTION CENTER IN NATIONAL CITY
- On a motion by Commissioner Castellanos, Seconded by Commissioner Malcolm the Board adopted Ordinance 2976 as part of the Consent Agenda.**
3. [2020-0238](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS-NEEDED ENVIRONMENTAL REVIEW, MASTER PLANNING, AND/OR TECHNICAL SERVICES WITH THE SERVICE PROVIDERS LISTED BELOW AND AS SPECIFIED IN EACH INDIVIDUAL AGREEMENT FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR A PERIOD OF APPROXIMATELY FIVE YEARS FROM JULY 15, 2020 TO JUNE 30, 2025. THESE AS-NEEDED SERVICES WILL SUPPORT DISTRICT OPERATIONAL OR STRATEGIC PRIORITIES. THE AGREEMENTS ALLOW FOR A 30-DAY TERMINATION BY THE EXECUTIVE DIRECTOR. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED IN FY21. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
1. ASCENT ENVIRONMENTAL, INC.
 2. ATLAS TECHNICAL CONSULTANTS LLC
 3. BARANEK CONSULTING GROUP, INC.
 4. BERMELLO AJAMIL & PARTNERS, INC.
 5. BURNS & MCDONNELL ENGINEERING COMPANY INC.
 6. CHAMBERS GROUP, INC.
 7. CHEN RYAN ASSOCIATES, INC.
 8. CIVITAS, INC.
 9. DUDEK
 10. ECONOMICS CONSULTANTS OREGON LTD. dba ECONORTHWEST
 11. ENVIRONMENTAL PLANNING DEVELOPMENT SOLUTIONS, INC.
 12. ENVIRONMENTAL SCIENCE ASSOCIATES
 13. HARRIS & ASSOCIATES, INC.

14. HDR ENGINEERING, INC.
15. HELIX ENVIRONMENTAL PLANNING, INC.
16. ICF JONES & STOKES, INC.
17. KLEINFELDER, INC.
18. KTU&A
19. LSA ASSOCIATES, INC.
20. MICHAEL BAKER INTERNATIONAL, INC.
21. MIG, INC.
22. MOFFATT & NICHOL
23. NEXUSPLAN, INC.
24. NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS
25. RECON ENVIRONMENTAL, INC.
26. GLENN A. RICK ENGINEERING & DEVELOPMENT CORPORATION dba RICK ENGINEERING COMPANY
27. TIERRA DATA, INC.
28. SUMMIT PLANNING GROUP
29. UDP INTERNATIONAL, LLC
30. WSP USA INC.

On a motion by Commissioner Valderrama seconded by Commissioner Malcolm, the Board adopted Resolution 2020-068. The motion carried by the following vote:

Yeas: 5 - Bonelli, Malcolm, Merrifield, Moore, and Valderrama

Nays: 0

Excused: 1 - Zucchet

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

ACTION AGENDA

5. [2020-0232](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Vice President/Chief Financial Officer, addressed the Board with Staff's report and presentation regarding Action Agenda Item 5. - File No. 2020-0232 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Bonelli, Commissioner Merrifield and Commissioner Valderrama provided comments and asked clarifying questions. Mr. DeAngelis responded.

Accept staff's financial report update.

7. [2020-0240](#) PRESENTATION AND UPDATE ON DISTRICT'S PUBLIC SERVICES AT THE DON L. NAY PORT ADMINISTRATION BUILDING IN CONSIDERATION OF THE COUNTY OF SAN DIEGO ORDER OF THE HEALTH OFFICER AND EMERGENCY REGULATIONS FOR CORONAVIRUS 2019 AND DIRECTION TO STAFF.

Cid Tesoro, Assistant Vice President, Infrastructure; Ani Mehra, Associate Engineer; Anthony Kinzel, Safety Specialist II; and Donna Morales, District Clerk, addressed the Board with staff's report and presentation regarding Action Agenda Item 7. - File No. 2020-0240 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None.

Commissioner Valderrama, Commissioner Merrifield, Commissioner Malcolm, Commissioner Bonelli, and Chair Moore provided comments and asked clarifying questions. Donna Morales responded.

Receive staff's presentation and provide direction to staff.

Chair Moore left the meeting at 2:00pm and Commissioner Malcolm served as Chair for the remainder of the Board meeting.

6. [2020-0235](#) STATE AND FEDERAL UPDATE

Job Nelson, Chief Policy Strategist and David Yow, Government and Civic Relations, addressed the Board with Staff's report and presentation regarding Action Agenda Item 6- File No. 2020-0235 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Mary Berube, Coronado resident.

Commissioner Bonelli, Commissioner Castellanos, and Commissioner Malcolm provided comments and asked clarifying questions. Jason Giffen Vice President, Planning, Environment and Government Relations and Job Nelson responded.

8. [2020-0237](#) PRESENTATION ON THE COMPLETION OF TENTH AVENUE MARINE TERMINAL TRANSIT SHED DEMOLITION AND INITIAL RAIL COMPONENT (TIGER) PROJECT

Joel Valenzuela, Maritime Director; Aimee Heim, Manager, Grants & Policy; Rudy Zelaya, Associate Engineer; and Miguel Reyes, Manager Maritime Trade Development addressed the Board with Staff's report and presentation regarding Action Agenda Item 8. - File No. 2020-0237 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: none.

Commissioner Valderrama, Commissioner Merrifield, Commissioner Castellanos, Commissioner Bonelli, and Commissioner Malcolm provided comments.

9. [2020-0251](#) PRESENTATION AND DIRECTION TO STAFF ON CLEAN AIR AND EMISSION REDUCTION ADVANCEMENTS:

A) INFORMATIONAL UPDATE ON THE AB 617 COMMUNITY EMISSION REDUCTION PROGRAM (CERP) AND THE DISTRICT'S MARITIME CLEAN AIR STRATEGY (MCAS) INCLUDING: OPPORTUNITIES TO CONTINUE ADVANCING CLEAN AIR INVESTMENTS; PRELIMINARY TRUCK SURVEY RESULTS; UPDATED CARGO HANDLING EQUIPMENT INFORMATION; AND STATUS UPDATE ON THE CALIFORNIA AIR RESOURCES BOARD'S PROPOSED AT-BERTH REGULATION UPDATE; AND

B) STAFF RECOMMENDATIONS REGARDING PRELIMINARY EMISSION REDUCTION STRATEGIES AND COMMUNITY BENEFITS FOR DISCUSSION AND POTENTIAL INCLUSION IN THE DRAFT AB 617 CERP WITH THE AB 617 STEERING COMMITTEE AND ASSOCIATED SUBCOMMITTEES AS APPLICABLE

Jason Giffen, Assistant Vice President, Planning, Environment and Government Relations; Larry Hofreiter, Planning & Green Port Program Manager; Tom Maclean, Energy Program Manager; Phil Gibbons, Energy & Sustainability Program Manager; and John Carter, Deputy General Counsel addressed the Board with Staff's report and presentation regarding Action Agenda Item 9. - File No. 2020-0251 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Sophie Silvestri, PASHA Automotive Services.

In addition to the above public comments, the following presentations were given by members of the public, copies of which are on file with the Office of the District Clerk

David Flores, Air Quality Director, Environmental Health Coalition. Presenters: David Flores

Ceding time: Danny Serrano

Commissioner Merrifield, Commissioner Castellanos, Commissioner Valderrama, Commissioner Bonelli, and Commissioner Malcolm provided comments and asked clarifying questions. Jason Giffen responded.

10. [2020-0225](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE AUGUST 18, 2020 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Valderrama, the Board approved the proposed August agenda. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Malcolm, Merrifield, and Valderrama

Nays: 0

Excused: 2 - Moore, and Zucchet

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

11. [2020-0266](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

- A) Change Order No. 2 to Contract No. 2019-44 with SoCal Building & Restoration, Inc. dba SoCal Building Group / Increases Contract by \$632.00
- B) Change Order No. 1 to Contract No. 2019-39 with HCI Systems, Inc. / 110 Calendar Day Time Extension thru 06/27/20
- C) Change Order No. 2 to Contract No. 2018-27 with 3-D Enterprises, Inc. / Increases Contract by \$7,800.00
- D) Change Order No. 1 to Contract No. 2020-03 with Michael Carlos Delavega dba Michael's Discount Painting. / Client-Initiated Changes, Lump Sum as Agreed Upon

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

- A) Request for User Fee Waiver Form from Juniper-Front Community Garden, Inc. for Juniper Front Community Garden TUOP Renewal for total amount \$500.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS

AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO
ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS
AMENDED ON JANUARY 10, 2017:

None to Report

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, August 4, 2020

12:00 PM

Don L. Nay Port Administration Boardroom

Special Meeting - Port Master Plan

A. Roll Call.

- Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, and Commissioner Valderrama
- Excused:** 1 - Commissioner Zucchet
- Absent:** 0

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

ACTION AGENDA

1. [2020-0281](#) PRESENTATION AND DIRECTION TO STAFF ON THE NORTH EMBARCADERO SUBDISTRICT OF THE PORT MASTER PLAN UPDATE, INCLUDING A SUMMARY PRESENTATION ON THE PMPU DISCUSSION DRAFT, PUBLIC COMMENTS RECEIVED DURING THE 90-DAY REVIEW PERIOD, AND RECOMMENDATIONS FOR REVISIONS TO THE DRAFT PMPU FOR:
 - A) SUBDISTRICT POLICIES; AND
 - B) NAVY PIER POLICIES

Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Workshop Agenda Item 1 - File No. 2020-0281 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen provided a briefing to review the format for the Workshop. Mr. Giffen then turned the presentation over to Lesley Nishihira, Director, Planning.

Ms. Nishihira began with providing the background on the integrated planning process and public engagements. Ms. Nishihira then presented information regarding Item A-Subdistrict Policies which covered: overview of the planning commitments and previous studies for the North Embarcadero; summary of policies included in the PMPU Discussion draft; and Staff's proposed revisions to the policies and standards for the North Embarcadero. Ms. Nishihira then turned the presentation over to Scott Jordan, Port Consultant, Civitas, to summarize the outreach conducted, the past studies completed, and the concepts previously discussed with the Board for the North Embarcadero Subdistrict.

The following member(s) of the public addressed the Board with agenda-related comments for Item A - Subdistrict Policies: Janet Rogers, Embarcadero Coalition; Nicole Burgess; Bill Rogers; Catherine, Hornblower Cruises and Events; Fred Hottinger; Kipland Howard, Allegis Development Services; Peter Flournoy; Pat P.; and Riley Webb, Pacifica Companies.

Commissioner Merrifield, Commissioner Malcolm, Commissioner Castellanos, Commissioner Bonelli, Commissioner Valderrama, and Chair Moore, provided comments and asked clarifying questions. Jason Giffen, Lesley Nishihira, and Scott Jordan responded.

B) Navy Pier

Lesley Nishihira started the second portion of the workshop and explained that staff's presentation will provide a review of the Navy Pier commitments; relevant policies included in the PMPU Discussion Draft; comments received from Coastal Commission staff on those policies; and policy concept options for the Board's consideration. Ms. Nishihira then turned the presentation over to Scott Jordan to highlight goals and concepts. Mr. Jordan then turned the presentation back to Ms. Nishihira to review the discussion draft policy text and comments received from Coastal Commission staff, and three potential Navy Pier policy approaches for the Board's consideration.

The following member(s) of the public addressed the Board with agenda-related comments: Mac McLaughlin, USS Midway Museum; Christopher Neils, Vice Chair and General Counsel, USS Midway Museum; and Ryan Karlsgodt, C3.

Commissioner Bonelli, Chair Moore, and Commissioner Malcolm asked clarifying technical questions. Rebecca Harrington, Senior Deputy General Counsel, responded.

Chair Moore, Commissioner Merrifield, Commissioner Malcolm, Commissioner Castellanos, Commissioner Bonelli, Commissioner Valderrama, provided comments and asked clarifying questions. Ms. Nishihira, Mr. Giffen, Ms. Harrington, and Randa Coniglio, President/CEO responded.

The Board directed staff to work with Coastal Commission Executive Director Ainsworth to develop a dispute resolution outline relating to Navy Pier and the Port Master Plan Update, and determined that a Navy Pier Ad Hoc committee be formed and appointed Commissioner Merrifield and Chair Moore as Board representatives.

Chair Moore thanked the public for their participation and staff for their great work and adjourned the meeting.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, August 18, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

- Present:** 5 - Commissioner Bonelli, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet
- Excused:** 2 - Commissioner Castellanos, and Commissioner Valderrama
- Absent:** 0

Officers Present: Coniglio, DeAngelis, Morales, and Gross

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Ellen Gross, Assistant General Counsel, announced the Closed Session items as follows:

1. [2020-0295](#) Closed Session Item No. 1

PERSONNEL EVALUATION:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

No reportable action was taken on this item.

2. [2020-0303](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 1,304,959 square feet of upland, tideland, and water area located at 1995 Bayfront Street in the City of San Diego, California

Negotiating Parties:

HII San Diego Shipyard, Inc. - Russell Mccarthy

MHI Holdings, LLC - Tom Epley and Victor Brannon

SDUPD - Shaun Sumner, Mike LaFleur, Anthony Gordon, Joel Valenzuela,
Ryan Donald, Amber Jensen

Under Negotiations: Price and Terms

*No reportable action was taken on this item.***3.** [2020-0294](#) Closed Session Item No. 3CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9Regional Water Quality Control Board Investigative Order R9-2017-0081
Directing the San Diego Unified Port District and the City of San Diego to
Submit Technical Reports Pertaining to an Investigation of Sediment
Chemistry in San Diego Bay Adjacent to the Tenth Avenue Marine
Terminal, Cesar Chavez Park and Pacific Maritime Freight*No reportable action was taken on this item.***4.** [2020-0306](#) Closed Session Item No. 4CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8Property: Approximately 194,000 square feet of land area located in
Warehouse C at the Tenth Avenue Marine Terminal

Negotiating Parties:

Mitsubishi Cement Corporation - Mike Jasberg

SDUPD - Shaun Sumner, Tony Gordon, Ryan Donald, Chris Hargett, Joel
Valenzuela, and Michael LaFleur

Under Negotiations: Price and Terms

*No reportable action was taken on this item.***5.** [2020-0308](#) Closed Session Item No. 5CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8Property: SDUPD - Approximately 314,436 square feet located on and
adjacent to 910 North Harbor Drive, San Diego, CA

Negotiating Parties:

USS Midway Museum - John P. McLaughlin;
SDUPD - Randa Coniglio, Shaun Sumner, and Anthony Gordon

Under Negotiations: Price and Terms

No reportable action was taken on this item.

6. [2020-0302](#) Closed Session Item No. 6

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)

Two (2) Cases

No reportable action was taken on this item.

7. [2020-0300](#) Closed Session Item No. 7

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8
Property: SDUPD

Approximately 8,664 sqf of land area and approximately 133,755 sqf of water area located at 1403 Scott Street, San Diego CA 92106;

Approximately 9,343 sqf of land area and approximately 140,138 sqf of water area located at 2803 Emerson Street, San Diego CA 92106;

Approximately 21,074 sqf of land area and approximately 165,024 sqf of water area located at 2838 Garrison Street, San Diego CA 92106;

Approximately 96,342 sqf of land area and approximately 163,172 sqf of water area located at 4960 North Harbor Drive, San Diego CA 92106;

Approximately 9,600 sqf of land area located at the Western end of the North Harbor Drive parking lot, near the intersection of North Harbor Drive and Scott Street;

Approximately 54,000 sqf of land area located at 4980 North Harbor Drive, commonly referred to as the Westy's Parking Lot;

Approximately 33,000 sqf of land area located at the Western section of the North Harbor Drive parking lot, adjacent to Sun Harbor Marina;

Approximately 51,000 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to Point Loma Marina;

Approximately 4,700 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to the Navy leased property located near the intersection of North Harbor Drive and Echo Lane.

Negotiating Parties:

Point Loma Sportfishing Association, Inc., dba Point Loma Sportfishing - Frank Lo Preste;
United Sportfishers of San Diego, Inc., dba H & M Landing - Frank Ursitti;
Fisherman's Landing Corporation, dba Fisherman's Landing - Frank Lo Preste, Tim Ekstrom, and Doug Kern;
Point Loma Marina, LLC, dba The Wharf - Greg Boeh

SDUPD - Randa Coniglio, Shaun Sumner, Tony Gordon, Ken Wallis, and Christian de Manielle

Under Negotiations: Price and Terms

The Board did not consider this item.

8. [2020-0301](#) Closed Session Item No. 8

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Lease covering 168 square feet of land area located at 1004-A North Harbor Dr. in the City of San Diego. Lease covering 3,866 square feet of non-exclusive land area and 949 square feet of building area located at 996-B North Harbor Drive in the City of San Diego

Negotiating Parties:

Old Town Trolley Tours of San Diego, Inc. - David Thornton
SDUPD - Tony Gordon, Chris Hargett, Annette Dahl, Taylor Stack and James Hammel

Under Negotiations: Price and Terms

No reportable action was taken on this item.

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, August 18, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, and Commissioner Zucchet

Excused: 1 - Commissioner Valderrama

Absent: 0

B. Closed Session Report Out.

Ellen Gross, Assistant General Counsel, announced that the Board considered items on the Closed Session Agenda: Closed Session Agenda Item 1 – File No. 2020-0295, Closed Session Agenda Item 2 – File No. 2020-0303, Closed Session Agenda Item 3 – File No. 2020-0294, and Closed Session Agenda Item 5 – File No. 2020-0308 and stated that the remainder of the items will be continued to after the open session. No reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Ellen Shulti, Coronado Cays Resident; and Mary Berube, Coronado Resident.

D. Board Committee Reports.

Commissioner Merrifield provided an update regarding the USS Bonhomme Richard fire relief Ad Hoc Committee formed and facilitated by Commissioner Valderrama, Commissioner Merrifield, and Commissioner Castellanos. In his report, Commissioner Merrifield stated that the \$200,000.00 from Maritime Industrial Impact Fund (MIIF) was allocated to assist residents that were affected by the fire. Commissioner Merrifield explained that approximately half of the funding was used to secure 800 hotel room nights in Port hotels and over \$100,000.00 of remaining MIIF funds will be used to purchase air purifiers on an ongoing basis. The Ad Hoc Committee also directed staff to review the MIIF Policy to consider changes regarding projects off tidelands and emergency measures.

Commissioner Malcolm provided a presentation regarding the Maritime Stakeholder Forum. The Maritime Stakeholder Forum was attended by Commissioner Malcolm, Commissioner Valderrama, and Commissioner Castellanos. Commissioner Malcolm mentioned the forum's discussion of COVID-19 effects on Maritime industries that are considered critical. Commissioner Malcolm conveyed, on behalf of the Port, his appreciation for the hard work of the Port's maritime partners and leaseholders. He spoke about the explosion at the Port of Beirut, Lebanon and stated that Port staff confirmed that the fertilizer cargo handled at Port tidelands is a blended product, unlike that of the Port of Beirut. Additionally, Commissioner Malcolm stated that the Port works along side the Coast Guard and the Harbor Police Department to ensure safety protocols are in

place to meet potential impacts of such cargo. Commissioner Malcolm added that during the Maritime Stakeholder Forum, Mitsubishi Cement Corporation spoke about their proposal and status of EIR process for their new facility at Tenth Avenue Marine Terminal. Commissioner Malcolm reported that the Maritime Clean Air Strategy, Cargo and Cruise updates, and the Tenth Avenue Marine Terminal redevelopment plan were also topics covered during the meeting. Commissioner Malcolm thanked Tenants and Stakeholders for their attendance and participation at the Maritime Stakeholder Forum.

Chair Moore provided an update on the first Navy Pier Ad Hoc Committee attended by herself and Commissioner Merrifield. Chair Moore reported that Staff provided an update regarding the responsibilities held by each party in respect to Navy Pier. Additionally, Chair Moore reported that the Port's parking consultant provided a preliminary draft parking study. Chair Moore added that the next step for the Ad Hoc Committee is to meet with representatives of the USS Midway.

E. Commissioners' Reports.

Commissioner Castellanos provided a report on the Portside Pier ribbon cutting and project completion. He discussed the four-restaurant dining complex and public amenities at the Portside Pier. Commissioner Castellanos added that the Portside Pier has created two hundred jobs and will eventually add another one hundred.

F. President's Report.

Mark Stainbrook, Vice President, Public Safety/Chief of Harbor Police, reported on the USS Bonhomme Richard fire. Chief Stainbrook reported that Harbor Police were requested by the Navy to assist during the USS Bonhomme Richard fire and Harbor Police immediately responded and began cooling operations on the ship's hull as well as efforts to knock down smoke and fire at the event. Chief Stainbrook spoke to the danger of the situation. Chief Stainbrook explained that water was applied to the ship's hull to prevent a breach in the metal that could lead to contaminants being released into the Bay. Chief Stainbrook provided a slide with the names of the Officers and Dispatchers that were at the event and recognized their efforts.

Randa Coniglio, President/CEO, recognized and congratulated Penny Maus, Department Manager, Real Estate, who was named a 2020 Woman of Influence by GlobeSt., a national commercial real estate publication. Ms. Coniglio also announced that the District was recently awarded the Certificate of Achievement for Excellence in Financial Reporting for their June 30th 2019 Comprehensive Annual Financial Report. Ms. Coniglio added that the Certificate of Achievement is a Program by the Government Finance Officers Association and represents the highest form of recognition in governmental accounting and financial reporting. Ms. Coniglio reported updates related to COVID-19 and the Port's continued efforts towards the health and safety of employees. Ms. Coniglio reported that temperature screening kiosks were installed at the Port Administration Building, Harbor Police Headquarters, and the General Services building. Ms. Coniglio added that one Port employee has tested positive for COVID-19 since the last report in July.

Chair Moore added her congratulation to the Finance team and Penny Maus and commended the Harbor Police Department for their efforts at the USS Bonhomme Richard fire.

G. District Clerk's Announcements.

Donna Morales, District Clerk, reported that staff requested to continue the following items to a future board meeting: Consent Agenda Item 1 – File No. 2020-0278, Consent

Agenda Item 3 – File No. 2020-0296, Consent Agenda Item 9 – File No. 2020-0286, and Consent Agenda Item 10 – File No. 2020-0305.

Additionally, Ms. Morales reported that Consent Agenda Item 4 – File No. 2020-0299 no longer requires Board action.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet the Board approved the requested docket changes. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0292](#) Approval of minutes for:

July 14, 2020 - CLOSED SESSION

July 14, 2020 - BPC MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield the Board approved the minutes by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Chair Moore requested that Consent Agenda Item 2 – File No. 2020-0181 be pulled from the Consent Agenda and moved to the Action Agenda.

The following member(s) of the public addressed the Board with agenda-related comments: None

On a motion by Commissioner Castellanos, Seconded by Commissioner Malcolm the board adopted the revised Consent Agenda as follows: Resolution 2020-070; Resolution 2020-071; Resolution 2020-072; Ordinance 2977; Resolution 2020-073; and Ordinance 2978. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0278](#) ORDINANCES APPROVING:
 - A) AGREEMENT FOR AMENDMENT OF EASEMENT AMENDMENT NO. 1 TO THE CITY OF SAN DIEGO TO ADD APPROXIMATELY 1,647 SQUARE FEET OF EASEMENT AREA TO THE EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR ADDITIONAL WATER UTILITY FACILITIES TO BE LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO NECESSARY FOR THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION'S BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT
 - B) A SIXTY-SIX (66) YEAR EASEMENT FOR UTILITY PURPOSES TO SAN DIEGO GAS & ELECTRIC COMPANY FOR ELECTRICAL AND NATURAL GAS FACILITIES LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO, CALIFORNIA COMMENCING SEPTEMBER 18, 2020 AND ENDING SEPTEMBER 17, 2086

The Board will consider staff's request to continue this item to a future Board meeting.

This Consent Item was continued to a future board meeting.

3. [2020-0296](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION, AND RESPONSE (SOAR) PLATFORM FROM AUGUST 23, 2020 THROUGH AUGUST 22, 2021 FOR A COST OF \$75,000 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, IN AN AMOUNT NOT TO EXCEED \$200,454 FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651). THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL.

The Board will consider staff's request to continue this item to a future Board meeting

This Consent Item was continued to a future board meeting.

4. [2020-0299](#) RESOLUTION AUTHORIZING SOLE SOURCE SERVICE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INCORPORATED (ESRI) IN AN AMOUNT NOT TO EXCEED \$92,200 FOR ENTERPRISE ADVANTAGE PROGRAM SERVICES, FOR AN AGGREGATE VENDOR EXPENDITURE OF \$253,600. THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FY2021 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

Board action is no longer required for this item.

Board Action no longer required.

5. [2020-0216](#) RESOLUTION AUTHORIZING AMENDMENTS WITH LABYRINTH SOLUTIONS, INC. DBA LSI CONSULTING, SIERRA INFOSYS INC., V3IT CONSULTING, INC., RBF CONSULTING, INC., NORTHSOUTH GIS, INC., PHOENIX BUSINESS, INC AND THE PELOTON GROUP, LP. DBA THE PELOTON ALLIANCE TO PROVIDE AS NEEDED ENTERPRISE APPLICATION LEVEL-3 SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$250,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$1,570,000 AND EXTENDING THE TERM THROUGH 08/31/2021. FUNDS FOR FY2021 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-070 as part of the Consent Agenda.

6. [2020-0217](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENTS WITH PHOENIX BUSINESS, INC. DBA PHOENIX BUSINESS CONSULTING, SAGE GROUP CONSULTING, INC., NH BRANDT, INC., V3IT CONSULTING, INC., LABYRINTH SOLUTIONS, INC. DBA LSI CONSULTING AND QSI, INC. TO PROVIDE AS NEEDED SAP LEVEL 3 SUPPORT SERVICES, INCREASING THE AGGREGATE MAXIMUM EXPENDITURE UNDER SUCH AGREEMENTS BY A TOTAL AMOUNT OF \$350,000 TO A NEW AGGREGATE NOT-TO-EXCEED AMOUNT OF \$1,850,000 AND EXTENDING THE TERM OF EACH OF THE AGREEMENTS THROUGH 10/31/2021. FUNDS FOR FY2021 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM

EXPENSE. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-071 as part of the Consent Agenda.

7. [2020-0244](#) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO AGREEMENT WITH WINBOURNE CONSULTING LLC, TO PROVIDE PROJECT MANAGEMENT SERVICES FOR COMPUTER-AIDED DISPATCH SYSTEM REPLACEMENT, INCREASING THE AGREEMENT AMOUNT BY \$76,680 TO A NEW NOT-TO-EXCEED AMOUNT OF \$338,245. FUNDS FOR FY21 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-072 as part of the Consent Agenda.

8. [2020-0248](#) ORDINANCE AMENDING THE CONFLICT OF INTEREST CODE OF THE SAN DIEGO UNIFIED PORT DISTRICT TO MAKE ADMINISTRATIVE CHANGES, AND TO REFLECT CHANGES TO THE DIRECTORY OF CLASS SPECIFICATIONS

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Ordinance 2977 as part of the Consent Agenda.

9. [2020-0286](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH LOGICALIS FOR DATA CENTER NETWORK SWITCHES REPLACEMENT AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$255,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FY21 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This Consent Item was continued to a future board meeting.

10. [2020-0305](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF FOUR (4) VEHICLES CONSISTING OF ONE (1) DIESEL AND THREE (3) HYBRID POWERED VEHICLES IN AN AMOUNT NOT

TO EXCEED \$274,000. THIS PURCHASE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS HAVE BEEN BUDGETED IN THIS FISCAL YEAR.

The Board will consider staff's request to continue this item to a future Board meeting.

This Consent Item was continued to a future board meeting.

11. [2020-0258](#) RESOLUTION CONSENTING TO A SUBLEASE BETWEEN CCMH SAN DIEGO LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND MOBILITIE MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO INSTALL, OPERATE, AND MAINTAIN A MULTI-CARRIER, NEUTRAL HOST DISTRIBUTED ANTENNA SYSTEM AND/OR SIMILAR SYSTEM, FOR A TEN-YEAR TERM WITH ONE TEN-YEAR OPTION TO EXTEND (SUBLEASE) AND POTENTIAL FUTURE SUBLEASE OR SUBLICENSE OF THE NETWORK TO SPECIFIC CARRIERS (AT&T, VERIZON, T-MOBILE, OR SPRINT)

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-073 as part of the Consent Agenda.

12. [2020-0279](#) ORDINANCE GRANTING A 13-YEAR, 11-MONTH AND 13-DAY LEASE WITH BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., A CALIFORNIA CORPORATION, DBA BAE SYSTEMS FOR 6.77 ACRES OF EELGRASS MITIGATION LOCATED AT THE FORMER SOUTH BAY POWER PLANT COOLING INTAKE CHANNEL IN CHULA VISTA, CALIFORNIA

On a motion by Commissioner Castellanos, seconded by Commissioner Merrifield, the Board adopted Ordinance 2978 as part of the Consent Agenda.

ACTION AGENDA

13. [2020-0233](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Vice President/Chief Financial Officer, and Job Nelson, Chief Policy Strategist, addressed the Board with Staff's report and presentation regarding Action Agenda Item 13. - File No. 2020-0233 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield provided comments and asked clarifying questions. Mr. DeAngelis and Tony Gordon, Director, Real Estate, responded.

14. [2020-0265](#) PRELIMINARY PROJECT REVIEW FOR STAY OPEN SAN DIEGO, LLC TO DEVELOP AND OPERATE LOWER COST OVERNIGHT ACCOMMODATIONS, AUTHORIZATION TO COMMENCE

ENVIRONMENTAL REVIEW, AND DIRECTION TO STAFF, AS NEEDED

Shaun Sumner, VP, Real Estate, Engineering & Facilities; Penny Maus, Department Manager, Real Estate; Chris Burt, General Counsel, Steve Shpilsky, Stay Open; Chris Alpe, Stay Open; Andrew Swerdloff, Stay Open; and Sam Bryant, Carrier Johnson, addressed the Board with Staff's report and presentation regarding Action Agenda Item 14. - File No. 2020-0265 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Chair Moore, Commissioner Malcolm, Commissioner Merrifield, Commissioner Bonelli, and Commissioner Castellanos provided comments and asked clarifying questions. Penny Maus and Steve Shpilsky responded.

On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board directed staff to commence environmental review.

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

- 15.** [2020-0256](#) **ORDINANCE GRANTING A LEASE TO LOUISIANA CHARLIE'S, LLC FOR A FAST-CASUAL RESTAURANT AT SEAPORT VILLAGE LOCATED AT 849 W. HARBOR DRIVE, SUITE W-11B FOR A TOTAL 10-YEAR TERM**

Lucy Contreras, Program Manager, Real Estate; James Hammel, Program Manager, Real Estate; Chris Burt, General Counsel addressed the Board with Staff's report and presentation regarding Action Agenda Item 15. - File No. 2020-0256 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield, Commissioner Zucchet, Commissioner Castellanos, Commissioner Malcolm, and Chair Moore provided comments and asked clarifying questions. Lucy Contreras responded.

On a motion by Commissioner Zucchet, seconded by Commissioner Merrifield, the Board adopted Ordinance 2979. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

- 16.** [2020-0289](#) PRESENTATION ON EMERGENCY AUTHORIZATION OF \$200,000 FROM DISTRICT MARITIME INDUSTRIAL IMPACT FUND TO PROVIDE RELIEF TO RESIDENTS IMPACTED BY THE BONHOMME RICHARD FIRE AT NAVAL BASE SAN DIEGO AND DIRECTION TO STAFF, AS NECESSARY

Tony Gordon, Director, Real Estate; Chris Burt, General Counsel; and Brad Raulston, City Manager, City of National City addressed the Board with Staff's report and presentation regarding Action Agenda Item 16. - File No. 2020-0289 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: David Flores, Environmental Health Coalition.

Commissioner Merrifield, Commissioner Castellanos, Commissioner Malcolm, Commissioner Bonelli, and Chair Moore provided comments and asked clarifying questions. Brad Raulston and Randa Coniglio responded.

- 2.** [2020-0181](#) RESOLUTION APPROVING CHANGE ORDER NO. 3 FOR \$33,830 AND A CONTRACT TIME EXTENSION OF 170 DAYS FOR CONTRACT NO. 2018-27, SWEETWATER BICYCLE PATH AND PROMENADE PROJECT, TO ALIGN PROJECT COMPLETION WITH THE ADJACENT COSTA VISTA RV RESORT PROJECT, WITH NO INCREASE TO THE GRANT FUNDED BOARD APPROVED PROJECT BUDGET, PURSUANT TO BPC POLICY NO.110

On a motion by Commissioner Name, seconded by Commissioner Name, the Board adopted Resolution 2020-069. The motion carried by the following vote:

- 17.** [2020-0226](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 10, 2020 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the proposed September agenda. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 1 - Valderrama

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

18. [2020-0307](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 2 to Contract No. 2018-03 with Dick Miller, Inc. / Increases Contract by \$324,826.60

B) Change Order No. 2 to Contract No. 2017-07 with SDSTATURE, Inc. / Increases Contract by \$9,613.90 & 8 Calendar Day Time Extension thru 06/30/20

C) Change Order No. 1 to Contract No. 2019-29 with Dick Miller, Inc. / Increases Contract by \$1,314.21

D) Change Order No. 3 to Contract No. 2017-07 with SD Stature / Increases Contract by \$4,750.00

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

Dan Malcolm

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Thursday, September 10, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Merrifield was excused until he arrived at 10:17 am.

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with agenda-related comments: Item 3 - File No. 2020-0325 - Danny Serrano, Environmental Health Coalition.

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0320](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

2. [2020-0328](#) Closed Session Item No. 2

PERSONNEL EVALUATION:

GENERAL COUNSEL

Government Code Section 54957

No reportable action was taken on this item.

3. [2020-0325](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 194,000 square feet of land area located in Warehouse C at the Tenth Avenue Marine Terminal

Negotiating Parties:

Mitsubishi Cement Corporation - Mike Jasberg

SDUPD - Shaun Sumner, Tony Gordon, Ryan Donald, Chris Hargett, Joel Valenzuela, and Michael LaFleur

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2020-0326](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation Government Code Section 54956.9(d)(2)

Cays Resort, LLC

By letter dated July 22, 2020, Rebecca L. Reed, an attorney with the Procopio law firm, acting on behalf of Cays Resort, LLC, alleged that certain District actions related to Cays' development proposal for its leasehold premises, and actions related to the designation of land uses, constitute a breach of lease, an anticipatory breach of lease, notice violations and an inverse condemnation of the premises.

No reportable action was taken on this item.

5. [2020-0324](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: SDUPD

Approximately 8,664 sqf of land area and approximately 133,755 sqf of

water area located at 1403 Scott Street, San Diego CA 92106;

Approximately 9,343 sqf of land area and approximately 140,138 sqf of water area located at 2803 Emerson Street, San Diego CA 92106;

Approximately 21,074 sqf of land area and approximately 165,024 sqf of water area located at 2838 Garrison Street, San Diego CA 92106;

Approximately 96,342 sqf of land area and approximately 163,172 sqf of water area located at 4960 North Harbor Drive, San Diego CA 92106;

Approximately 9,600 sqf of land area located at the Western end of the North Harbor Drive parking lot, near the intersection of North Harbor Drive and Scott Street;

Approximately 54,000 sqf of land area located at 4980 North Harbor Drive, commonly referred to as the Westy's Parking Lot;

Approximately 33,000 sqf of land area located at the Western section of the North Harbor Drive parking lot, adjacent to Sun Harbor Marina;

Approximately 51,000 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to Point Loma Marina;

Approximately 4,700 sqf of land area located at the Eastern section of the North Harbor Drive parking lot, adjacent to the Navy leased property located near the intersection of North Harbor Drive and Echo Lane.

Negotiating Parties:

Point Loma Sportfishing Association, Inc., dba Point Loma Sportfishing - Frank Lo Preste;

United Sportfishers of San Diego, Inc., dba H & M Landing - Frank Ursitti;
Fisherman's Landing Corporation, dba Fisherman's Landing - Frank Lo Preste, Tim Ekstrom, and Doug Kern;

Point Loma Marina, LLC, dba The Wharf - Greg Boeh

SDUPD - Randa Coniglio, Shaun Sumner, Tony Gordon, Ken Wallis, and Christian de Manielle

Under Negotiations: Price and Terms

No reportable action was taken on this item.

Dan Meli

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Thursday, September 10, 2020

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda and stated that Item 3 - File No. 2020-0325 and Item 4 - File No. 2020-0326 were not discussed and will be considered after the conclusion of this meeting. Mr. Russell added that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: David Flores, Environmental Health Coalition; and Carol Noska.

D. Board Committee Reports.

Chair Moore reported that a staff presentation was made to the Budget Ad Hoc Committee on August 25 with the committee supportive of staffs' recommendations. The full board will receive the presentation as an agenda item today (Item 11 - File No. 2020-0274).

E. Commissioners' Reports.

Commissioner Bonelli explained that he wanted to take this moment to commemorate that tomorrow is the 19th anniversary of the tragic events of September 11, 2001.

Traditionally the Port has a small ceremony in front of the Administration Building to acknowledge this day with Port staff, and the Harbor Police Honor Guard raising the flag and playing the National Anthem, along with a wreath laying ceremony to honor all who lost their lives on that sad day. However, with the current restrictions due to COVID-19, there will be no ceremony this year. Commissioner Bonelli explained that he didn't want this day to go unnoticed, seeing that there are so many things going on in the world today – the pandemic, racial unrest, protests. There were nearly 3,000 people who lost their

lives, including approximately 80 port employees at the Port Authority of New York and New Jersey. He stated that we must never forget them and what happened to our country that day.

Commissioner Bonelli then quoted Ronald Reagan, the 40th President of the United States of America who said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected and handed on for them to do the same."

Commissioner Bonelli then asked for moment of silence.

F. President's Report.

Randa Coniglio, President/CEO announced that she had a few updates to share today. Ms. Coniglio invited Jason Giffen, Vice President of Planning, Environment & Government Relations, to present the first item which highlights September as Green Port Month.

Mr. Giffen announced that this is a time for the Port to celebrate environmental champions through an Awards ceremony and environmental educational events. Mr. Giffen explained that this year's Green Port Month looks a little different as compared to previous years with a shift toward virtual events for our employees. Each year, the Port honors environmental champions through the Michelle White Environmental Awards. The five employees who received the 2020 Michelle White Environmental Awards are: Robert Alcala, Jeremy Cadua, Miguel Sanchez, and Daniel Toscano, from General Services; and Annabelle Burruss, from Planning & Greent Port. The Port also honors port tenants and partners with this award. This year's Port Tenant award winner is Corchelle Worsham with the San Diego Port Tenants Association. Mr. Giffen added that this year, the Port has achieved many environmental accomplishments and suggested everyone check out the Port's website to read the Green Port Year In Review 2020 where these achievements are celebrated.

Ms. Coniglio then announced that the Port continues to focus their efforts on the health and safety of our employees. The Executive Leadership Group meets twice a week to discuss COVID-related issues and cross-departmental collaboration continues to occur to ensure the Port is pro-actively addressing COVID-related issues and concerns as the pandemic continues to evolve. Ms. Coniglio further explained that since the last update at the August Board meeting, there have been no new cases of COVID-positive employees. The total Port employees that have tested positive for COVID-19 since the pandemic began remains at 6.

Additionally, Ms. Coniglio explained that staff continues to monitor very closely what other neighboring jurisdictions and regional public agencies are doing with respect to in-office versus remote working for their employees, how they conduct public meetings, and the public services they are providing. The Port wants to make sure we are aligning with the majority of the jurisdictions/public agencies regarding practices and will make sure the Board and public are notified when things begin to change.

Ms. Coniglio then explained she wanted to address the fact that there are an unusually high number of items on the agenda that have either been requested to be continued to future meeting, or Board action is no longer required. For the benefit of the Board and the public Ms. Coniglio stated that some of the items are related to Port Security Grants which involve several local public agencies, when we are dealing with numerous agencies, delays are not uncommon. The two items that are designated as "Board action is no longer required" involve purchases; purchases of equipment such as vehicles, and IT

equipment. These items were pulled off the agenda today due to budgetary limitations, and were expenses previously planned in areas where staff is recommending budgetary cuts. These recommendations will be presented during the CFO financial update today (Action Item 11 - File No. 2020-0274). Depending on Board's direction these items may, or may not return.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional materials were received by the Board after the publication of the agenda for the following items: Item C - Public Comment, and Action Agenda Item 11 - File No. 2020-0274.

Ms. Morales added that staff requests the following items be continued to a future Board meeting: Consent Agenda Item 5 - File No. 2020-0340, Consent Agenda Item 8 - File No. 2020-0339, Consent Agenda Item 9 - File No. 2020-0335, Consent Agenda Item 10 - File No. 2020-0336, and Action Item 12 - File No. 2020-0316. Additionally, Ms. Morales announced that the following items no longer require Board action: Consent Agenda Item 6 - File No. 2020-0311, and Consent Agenda Item 7 - File No. 2020-0312.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board accepted the requested docket changes. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0337](#) Approval of minutes for:

August 4, 2020 - PORT MASTER PLAN UPDATE WORKSHOP

August 18, 2020 - CLOSED SESSION

August 18, 2020 - BPC MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Valderrama, the Board approved the minutes. The motion carried by the following vote.

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner Castellanos announced that he is recusing himself from Consent Agenda Item 1 - File No. 2020-0270 and requested that it be voted on separately from the remaining Consent items.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted the following Consent agenda items: Item 2 - File No. 2020-0280; Item 3 - File No. 2020-0283; and Item 4 - File No. 2020-0317; thereby adopting Resolution 2020-075, Resolution 2020-076, Resolution 2020-077, Ordinance 2980, Resolution 2020-078, and Resolution 2020-079. The motion carried by the following vote.

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

2. [2020-0280](#) APPOINTMENT OF SAN DIEGO UNIFIED PORT DISTRICT PERSONNEL ADVISORY BOARD:
- A) RESOLUTION REAPPOINTING STEPHEN CASCIOPPO, ANTHONY CHARTRAND AND TRACI BECERRA TO THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) PERSONNEL ADVISORY BOARD FOR A SECOND TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
- B) RESOLUTION APPOINTING LISA RICHER BENDER, AGNES GENEROSO, BRIGID HERNANDEZ, HAROLD RUCKER AND JANICE SPEROW TO THE PERSONNEL ADVISORY BOARD FOR A TERM OF THREE YEARS' DURATION COMMENCING SEPTEMBER 10, 2020
- C) RESOLUTION APPOINTING ANTHONY CHARTRAND AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 10, 2020 TO SEPTEMBER 1, 2021
- On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-075, Resolution 2020-076, and Resolution 2020-077 as part of the Consent Agenda.**
3. [2020-0283](#) SCHEDULE OF COMPENSATION
- A) ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR ALL OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT
- B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR

FISCAL YEAR (FY) 2020/2021

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Ordinance 2980 and Resolution 2020-078 as part of the Consent Agenda.

4. [2020-0317](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH DOLE FRESH FRUIT COMPANY, REGARDING LOW CARBON FUEL STANDARD (LCFS) CREDITS GENERATED FROM THE SHORE POWER PLUG LOCATED AT THE TENTH AVENUE MARINE TERMINAL FOR USAGE COVERING THE PERIOD FROM JULY 1, 2020 THROUGH DECEMBER 31, 2020.

On a motion by Commissioner Malcolm, seconded by Commissioner Zucchet, the Board adopted Resolution 2020-079 as part of the Consent Agenda.

5. [2020-0340](#) RESOLUTION SELECTING AND AUTHORIZING PURCHASE OF ANNUAL SUBSCRIPTION SERVICES AND SUPPORT FROM DIGITAL SCEPTER FOR A SECURITY ORCHESTRATION, AUTOMATION, AND RESPONSE (SOAR) PLATFORM FROM AUGUST 23, 2020 THROUGH AUGUST 22, 2021 FOR A COST OF \$75,000 AND AUTHORIZING SUBSEQUENT ANNUAL SUBSCRIPTIONS, IN AN AMOUNT NOT TO EXCEED \$200,454 FOR THREE YEARS OF SERVICE, FUNDED 75% BY PORT SECURITY GRANT PROGRAM FY 2017 (EMW-2017-PU-00651). THIS WORK HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FY2020 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL PROJECT. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

6. [2020-0311](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH LOGICALIS FOR DATA CENTER NETWORK SWITCHES REPLACEMENT AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$255,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FY21 EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

Board action is no longer required for this item.

Board action is no longer required for this item.

7. [2020-0312](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF FOUR (4) VEHICLES CONSISTING OF ONE (1) DIESEL AND THREE (3) HYBRID POWERED VEHICLES IN AN AMOUNT NOT TO EXCEED \$274,000. THIS PURCHASE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS HAVE BEEN BUDGETED IN THIS FISCAL YEAR.

Board action is no longer required for this item.

Board action is no longer required for this item.

8. [2020-0339](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR THE CANINE EXPLOSIVE DETECTION TEAM PROGRAM FROM THE TRANSPORTATION SECURITY ADMINISTRATION IN THE AMOUNT OF \$1,136,250 FOR A PERIOD OF FOUR AND ONE HALF YEARS, AND EXECUTION OF A TRANSACTION AGREEMENT WITH TSA PURSUANT TO BPC POLICY NO 110, SECTION IV C1

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

9. [2020-0335](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY 19 GRANT PROGRAM, AND GRANTING INDEMNITY

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

10. [2020-0336](#) ACTIONS RELATED TO THE FY20 PORT SECURITY GRANT PROGRAM:

A) RESOLUTION ACCEPTING THE FY20 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,012,500.00, REQUIRING A COST MATCH OF \$337,500.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA).

B) ORDINANCE AMENDING THE FY 20/21 BUDGET INCREASING THE NON- PERSONNEL EXPENSE (NPE) BUDGET BY \$150,000, TECHNOLOGY PROGRAM BY \$200,000, AND EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BY \$550,000. GRANT FUNDS OF \$675,000 WILL BE FUNDED FROM THE PSGP PROGRAM. THE REQUIRED DISTRICT MATCH OF \$225,000 WILL BE FUNDED FROM OPERATING RESERVES. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

C) ORDINANCE AMENDING THE FY 20/21 BUDGET INCREASING THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION BY \$450,000. GRANT FUNDS OF \$337,500 WILL BE FUNDED FROM THE PSGP PROGRAM. THE REQUIRED DISTRICT MATCH OF \$112,500 WILL BE FUNDED FROM OPERATING RESERVES.

D) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CIP TO INCREASE THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT BUDGET BY \$450,000.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

1. [2020-0270](#) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH KTU+A FOR CHULA VISTA PARKS DESIGN SERVICES, A COMPONENT OF THE SITE PREPARATION FOR CHULA VISTA BAYFRONT PROJECT, TO INCREASE THE AGREEMENT AMOUNT BY \$100,203, INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$2,076,460 TO \$2,176,663. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM AND THIS ACTION DOES NOT INCREASE THE PROJECT BUDGET.

On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-074. The motion carried by the following vote:

Yeas: 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

ACTION AGENDA

11. [2020-0274](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Randa Coniglio, President/CEO, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0274 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Coniglio then turned the presentation to Robert DeAngelis, Vice President/Chief Financial Officer, to provide an overview of the presentation, he then turned the presentation to Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, to present the updated revenue projections. Mr. Sumner then turned the presentation to Tony Gordon, Director, Real Estate, to provide methodology used for Real Estate revenue reforecast, and discuss the FY 20/21 base case budget vs. reforecast, and the Real Estate concession methodology. Mr. Gordon then turned the presentation back to Mr. Sumner to discuss the parking revenue reforecast. Mr. Sumner then turned the presentation to Mike LaFleur, Vice President, Maritime, to discuss the Maritime revenue reforecast. Mr. LaFleur then turned the presentation back to Mr. DeAngelis to provide recap of numbers for: operating revenue reductions; personnel expense reductions; non-personnel expenses; capital expenditure reductions; updated budget; and reserves balance.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Valderrama, Commissioner Zucchet, Commissioner Merrifield, Commissioner Malcolm, Commissioner Castellanos, Commissioner Bonelli, and Chair Moore, provided comments and asked clarifying questions. Robert DeAngelis, Randa Coniglio, Thomas A. Russell, General Counsel, Shaun Sumner, and Tony Gordon, responded.

12. [2020-0316](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A "MEMORANDUM OF UNDERSTANDING REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT TIDELANDS WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES" WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

13. [2020-0333](#) RESOLUTION AUTHORIZING A SECOND AMENDED AND RESTATED REVENUE SHARING AGREEMENT WITH THE CITY OF CHULA VISTA, WITH CONDITIONS, FOR THE PUBLIC FINANCING FOR THE RESORT HOTEL AND CONVENTION CENTER AND PHASE 1A INFRASTRUCTURE IMPROVEMENTS

Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2020-0333 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Commissioner Zucchet, Commissioner Valderrama, and Chair Moore, provided comments and asked clarifying questions. Mr. Sumner responded.

On a motion by Commissioner Malcolm, seconded by Chair Moore, the Board adopted Resolution 2020-080. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

14. [2020-0227](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 6, 2020 MEETING

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted the proposed agenda for October. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

15. [2020-0338](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 3 to Contract No. 2018-27 with 3-D Enterprises, Inc. / Increases Contract by \$33,830.00 & 170 Calendar Day Time Extension

thru 12/22/20

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from EConcrete, Inc. for EConcrete Pilot Project, for total amount \$1,308.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, October 6, 2020

10:00 AM

Virtual Meeting

Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0352](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

2. [2020-0353](#) Closed Session Item No. 2

PERSONNEL EVALUATION:
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

3. [2020-0367](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 314,436 square feet located on and adjacent to 910 North Harbor Drive, San Diego, CA

Negotiating Parties:
USS Midway Museum - John P. McLaughlin;
SDUPD - Randa Coniglio, Shaun Sumner, and Anthony Gordon

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2020-0368](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)

One (1) Case

No reportable action was taken on this item.

5. [2020-0365](#) Closed Session Item No. 5

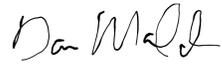
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 528,350 square feet of upland, tideland, and water area located at 2303 Shelter Island Drive in the City of San Diego, California

Negotiating Parties:
Humphrey's Half Moon Inn and Suites - Richard Bartell
SDUPD - Shaun Sumner, Anthony Gordon, Penny Maus and Andrea Ormerod

Under Negotiations: Price and Terms

No reportable action was taken on this item.



*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 6, 2020

1:00 PM

This meeting is adjourned and
will resume Friday, October 9 at 2pm

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel reported that the Board considered the items on the Closed Session agenda and no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Sandy Combs, resident, The Landing, Coronado; and Silverstrand Beautification Committee of Coronado

D. Board Committee Reports.

Commissioner Castellanos provided a report on the Environmental Advisory Committee. Commissioner Castellanos explained that the Committee met on September 16, during which they received an update on the eight Blue Economy Incubator projects and the status on the program's current pilot projects. The Committee also received an update on the Green Marine certification program and the Port's excellent 2019 performance achieving the highest level in five sustainability performance indicators: waste management; environmental leadership; community impact; spill prevention; and greenhouse gases. All of these performance indicators reduce the environmental footprint of the Port's marine operations. The Committee also received a presentation from Outdoor Outreach on their Youth Environmental Stewardship (YES) program. The program has connected nearly 400 underserved youth and young adults to outdoor opportunities, such as mountain biking, surfing, kayaking, hiking, snorkeling, and camping within the San Diego Bay watershed. In response to the pandemic, the YES program has been adapted to socially distanced and virtual learning to continue actively supporting local youth through the transformative power of nature. In alignment with the current social justice movement, program participants also take part in civic engagement and advocacy initiatives to empower youth to make knowledgeable choices about the

environment and minimize their impact.

Commissioner Zucchet provided report on the Audit Oversight Committee. Commissioner Zucchet explained that the Committee interviewed and selected a new external committee member to be approved by the full Board on today's consent agenda (Item 4 - File No. 2020-0285). The Committee also received a number of audit update plans from Mark Yeilding, Acting Port Auditor.

Chair Moore provided a report on the Navy Pier Ad Hoc Committee. Chair Moore explained that the Ad Hoc Committee has met several times with both District staff and representatives of the USS Midway. The Ad Hoc also recently met with various offices from the Coastal Commission. The Committee has made a lot of progress and will be closing in on a solution soon. The Committee remains committed to expeditiously finding a policy solution for Navy Pier. Chair Moore added that staff will also report out on the progress made to date with respect to Navy Pier as part of the PMPU status update on today's meeting agenda (Item 20 - File No. 2020-0351).

E. Commissioners' Reports.

Commissioner Zucchet announced that he had the pleasure to attend the Tenth Avenue Marine Terminal Modernization Completion Celebration. It was a very small event, due to the current COVID restrictions, all attendees followed mask wearing and social distancing guidelines.

Commissioner Zucchet added that the Port was honored to have City of San Diego Mayor Kevin Faulconer, Dennis DuBard from General Dynamics-NASSCO, representing the Working Waterfront Group, and ILWU Local 29 President Anthony Soniga participate in the celebration. Port CEO and President Randa Coniglio provided the opening remarks and served as MC. Also, MARAD Administrator Rear Admiral Mark Buzby provided comments via video. The Port is very grateful for the \$10 million TIGER grant from the U.S. Department of Transportation which was instrumental in helping get the modernization project started. This was a major public works project with about \$24 million in local and federal investment. Construction began in late 2017 and entailed knocking down two large underused warehouses. Removing those sheds provided a clear pathway for cargo to be offloaded from vessels. During the event there were windmill blades from China--on their way to the Mojave desert--on display, some as long as 220 feet, seeing these windmill blades sitting where the warehouses used to be demonstrated the benefit of the project. The project also included improvements to on-dock rail, utilities, lighting and pavement, and a state-of-the-art stormwater treatment system. On behalf of the Board of Port Commissioners, Commissioner Zucchet thanked the many departments involved in this project for all for their hard work, from the grant-writing staff to the Maritime staff-who kept full operations going with minimal impact to existing customers during construction. This project has resulted in a lot of new business with specialty cargo.

F. President's Report.

Randa Coniglio, President/CEO, announced that she had exciting news, celebrity chef "Sam the Cooking Guy" and acclaimed hospitality group Grain & Grit Collective (Carnitas Snack Shack, Broken Yolk, Little Italy Food Hall), are teaming up to launch a full-service restaurant at Seaport Village, slated to open Spring 2021. However, ahead of this opening, the Seaport Team has been working with Grain & Grit to introduce a temporary, multi-concept co-op with Sam the Cooking Guy. This multi-concept coop called Eats by Sam, is creative and well-suited to the pandemic. It will operate on a predominately virtual model, with a brick-and-mortar location occupying the 8,000 square-foot venue on

Seaport's waterfront. The interim eatery will be complete with ordering kiosks and ample outdoor seating. Eats by Sam will open this October with two initial concepts under its co-op: Samburgers and Samwiches. The Seaport Village eatery will also have a medley of craft beer offerings for guests to enjoy in the al fresco garden area. Plus, visitors can expect on-site activations, including live music.

Ms. Coniglio then provided a COVID-19 update report. Ms. Coniglio explained that the Port continues to focus efforts on the health and safety of their employees. The Executive Leadership Group meets twice a week to discuss COVID-related issues and continues to ensure the Port is pro-actively addressing COVID-related issues and concerns as the pandemic continues to evolve. Since the last update at the Board meeting in September, there have been four new cases of COVID-positive employees. All were Harbor Police officers who worked the same days and shift when they became ill. This brings the Port's total to 10 Port employees, who have contracted COVID including these recent cases. Ms. Coniglio shared that she was pleased to report that the four employees who recently became ill are expected to make a full recovery, and the previous six employees have fully recovered and are back to work.

Ms. Coniglio then announced that the Port playgrounds have been re-opened for the public's enjoyment in accordance with recent San Diego County guidelines.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda related materials were received by the Board after the publication of the agenda for the following items: Consent Agenda Item 9 - File No. 2020-0332; Action Agenda Item 16 - File No. 2020-0347; Action Agenda Item 17 - File No. 2020-0344; Action Agenda Item 20 - File No. 2020-0351; and Action Agenda Item 21 - File No. 2020-0355.

In addition Ms. Morales reported that staff requested to continue the following items: Consent Agenda Item 13 - File No. 2020-0349; Consent Agenda Item 14 - File No. 2020-0350; Action Agenda Item 16 - File No. 2020-0347; and Action Agenda Item 17 - File No. 2020-0344.

Additionally, the Clerk's Office received a request to continue Action Agenda Item 21 - File No. 2020-0355 via a request for live public comment from Sharon Cloward of the San Diego Port Tenants Association.

Chair Moore invited Sharon Cloward to speak regarding her request to continue Action Agenda Item 21 - File No. 2020-0355.

On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board approved the requested docket changes including the request to continue Action Item 21 - File No. 2020-0355.

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0357](#) Approval of minutes for:

September 10, 2020 - CLOSED SESSION

September 10, 2020 - BPC MEETING

On a motion by Commissioner Zucchet seconded by Commissioner Bonelli the Board approved the minutes by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted the Consent agenda as follows: Resolution 2020-081, Resolution 2020-082, Resolution 2020-083, Resolution 2020-084, Resolution 2020-085, Resolution 2020-086, Resolution 2020-087, Resolution 2020-088, Resolution 2020-089, Ordinance 2981, Ordinance 2982, Resolution 2020-090, Resolution 2020-091, and Resolution 2020-092. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0084](#) RESOLUTION AUTHORIZING A SOLE SOURCE SERVICE AGREEMENT OF FIVE YEARS FOR PARKING METER AND PAY STATION AS-NEEDED DATA SERVICES AND PURCHASE OF PARTS AND REPAIRS FROM IPS GROUP, INC. TO ALLOW FOR CONTINUED OPERATIONS OF THE DISTRICT’S PARKING METERS AND PAY STATIONS ON TIDELANDS. THE SOLE SOURCE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$860,000, AND MAY BE TERMINATED UPON 30-DAY WRITTEN NOTICE. ALL FUNDS

REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-081 as part of the Consent Agenda.

2. [2020-0272](#) RESOLUTION AUTHORIZING AMENDMENT NO. 8 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$62,389 FOR A NEW MAXIMUM AMOUNT OF \$3,360,989 FOR ADDITIONAL AS NEEDED JANITORIAL SERVICES DUE TO COVID-19 REQUIREMENTS AND ADDITIONAL REQUIREMENTS AT THE TENTH AVENUE MARINE TERMINAL. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. ALL ADDITIONAL COVID-19 REQUIREMENTS FOR FISCAL YEAR 2021 ARE CURRENTLY UNBUDGETED AND WILL BE EXPENDED AGAINST DEPARTMENT NON-PERSONNEL EXPENSE (NPE) BUDGETS.

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-082 as part of the Consent Agenda.

3. [2020-0273](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FOR THE CANINE EXPLOSIVE DETECTION TEAM PROGRAM FROM THE TRANSPORTATION SECURITY ADMINISTRATION IN THE AMOUNT OF \$1,136,250 FOR A PERIOD OF FOUR AND ONE HALF YEARS, AND EXECUTION OF A TRANSACTION AGREEMENT WITH TSA PURSUANT TO BPC POLICY NO 110, SECTION IV C1

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-083 as part of the Consent Agenda.

4. [2020-0285](#) RESOLUTION APPOINTING RICARDO RODRIGUEZ TO THE SAN DIEGO PORT DISTRICT AUDIT OVERSIGHT COMMITTEE (AOC) FOR A TERM OF THREE YEARS COMMENCING DECEMBER 7, 2020

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-084 as part of the Consent Agenda.

5. [2020-0290](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY 19 GRANT PROGRAM, AND GRANTING INDEMNITY.

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-085 as part of the Consent Agenda.

6. [2020-0291](#) ACTIONS RELATED TO THE FY20 PORT SECURITY GRANT PROGRAM:

A) RESOLUTION ACCEPTING THE FY20 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$1,012,500.00, REQUIRING A COST MATCH OF \$337,500.00, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AGREEMENTS WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA). ALL PROJECTS WILL BE EXECUTED IN FUTURE FISCAL YEARS AND DISTRICT'S MATCHING FUNDS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

B) RESOLUTION APPROVING AN AMENDMENT TO THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCREASE THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TENTH AVENUE MARINE TERMINAL PROJECT BUDGET BY \$450,000. GRANT FUNDS OF \$337,500 WILL BE FUNDED FROM THE PSGP PROGRAM. THE REQUIRED DISTRICT MATCH OF \$112,500 WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-086 and Resolution 2020-087 as part of the Consent Agenda.

7. [2020-0297](#) RESOLUTION APPROVING A PROCLAMATION IN RECOGNITION OF OCTOBER 2020 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH

Commissioner Valderrama announced that National City recently lost one of their most famous artists, Manuel "Memo" Cavada. Mr. Cavada was a beloved citizen of National City. Commissioner Valderrama shared that over the past 25 years Mr. Cavada has probably photographed every high school senior in National City. He was generous with his time and talents, and was recognized by multiple organizations for his accomplishments as a photographer. Commissioner Valderrama wanted to make sure to recognize Mr. Cavada as part of the "celebration of the arts" proclamation.

Commissioner Castellanos, stated that he was very sorry to hear the news, he also knew Mr. Cavada, and shared that Mr. Cavada had such a wonderful touch with photographing people, and asked Commissioner Valderrama to express his condolences to the family. Chair Moore asked Commissioner Valderrama to include the entire Board for condolences to the family.

On a motion by Commissioner Castellanos, seconded by Commissioner

Valderrama, the Board adopted Resolution 2020-088 as part of the Consent Agenda.

8. [2020-0315](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$386,000 FOR A NEW MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT OF \$2,536,000 FOR CONTEMPLATED SERVICES THROUGH NOVEMBER 30, 2026. EXPENDITURES ARE BUDGETED IN THE INFORMATION TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-089 as part of the Consent Agenda.

9. [2020-0332](#) A) ORDINANCE GRANTING LEASE AMENDMENT NO. 2 TO OLD TOWN TROLLEY TOURS OF SAN DIEGO LOCATED AT 996-B NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT AND OPTION TERM PROVISIONS, AND OTHER PROVISIONS

B) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO OLD TOWN TROLLEY TOURS OF SAN DIEGO LOCATED AT 1004-A NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT AND OPTION TERM PROVISIONS, AND OTHER PROVISIONS

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Ordinance 2981 and Ordinance 2982 as part of the Consent Agenda.

10. [2020-0334](#) RESOLUTION AUTHORIZING AMENDMENT NO.1 TO AGREEMENT WITH DESIGN SPACE MODULAR BUILDINGS, INC. TO LEASE TEMPORARY OFFICE SPACE FOR DISTRICT STAFF AT THE TENTH AVENUE MARINE TERMINAL, EXTENDING THE TERM OF THE AGREEMENT TO NOVEMBER 14, 2022, WITH A 12-MONTH OPTIONAL TERM THAT SHALL TERMINATE ON NOVEMBER 14, 2023, INCREASING THE AGREEMENT AMOUNT BY \$190,273.32 TO A NEW NOT-TO-EXCEED AMOUNT OF \$364,552.91, INCLUDING THE GRANTED OPTIONAL TERM.

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-090 as part of the Consent Agenda.

11. [2020-0342](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH REVENUE SHARING FOR CHARGING STATION SERVICES WITH KIGT INC.,

BEGINNING ON OCTOBER 6, 2020 AND TERMINATING ON DECEMBER 5, 2025, FOR EIGHT ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT SAN DIEGO CONVENTION CENTER PARKING GARAGE, 111 W. HARBOR DRIVE, SAN DIEGO, CA 92101, RESULTING IN NO NET COST TO THE DISTRICT

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-091 as part of the Consent Agenda.

12. [2020-0343](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH REVENUE SHARING FOR CHARGING STATION SERVICES WITH BLINK CHARGING CO (DBA BLINK NETWORK LLC), AN ARIZONA LIMITED LIABILITY CORPORATION, BEGINNING ON OCTOBER 6, 2020 AND TERMINATING ON DECEMBER 5, 2025, FOR SEVEN ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT 200 MARINA PARKWAY, SAN DIEGO CALIFORNIA 92101, RESULTING IN NO NET COST TO THE DISTRICT

On a motion by Commissioner Castellanos, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-092 as part of the Consent Agenda.

13. [2020-0349](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY LLC FOR MESH DATA RADIO SYSTEM EXPANSION AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$205,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FISCAL YEAR 2020 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SAFETY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

14. [2020-0350](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY FOR PUBLIC SAFETY COMMAND VEHICLE DATA RADIO SYSTEM AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$142,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$XXX,XXX. FISCAL YEAR 2020 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SAFETY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE

FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE
ADOPTION OF EACH FISCAL YEAR'S BUDGET

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

After the adoption of the Consent Agenda, Donna Morales, District Clerk announced that staff received reports that some of the public is unable to view the live stream of the Board meeting. Chair Moore called for a short recess to evaluate situation.

The Board was informed after recess that the issue was not resolved. The Chair called for adjournment to Closed Session until 3 pm to provide additional time to resolve issue.

The Board reconvened to the regular Board meeting at 3 pm. Donna Morales, District Clerk, called the roll, the following Commissioners were present: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet.

Thomas A. Russell, General Counsel reported that the Board considered the items on the Closed Session agenda and no reportable action was taken.

The Board was then informed by staff that the technical issue is still unresolved and have no estimate for resolution. The Board decided to adjourn the meeting to Friday, October 9, at 2pm.

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board approved the adjournment of the October Regular BPC meeting to Friday, October 9, at 2:00 pm. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

15. [2020-0239](#) A) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF
- B) ADOPT RESOLUTION TO WAIVE BOARD OF PORT COMMISSIONER POLICY NO. 117 (BPC NO. 117) - OPERATING RESERVE POLICY TO BE BELOW THE REQUIRED FY 2021 BALANCE OF \$61.8M AND AUTHORIZE STAFF TO USE THE DIFFERENCE NOT

TO EXCEED \$10.5M TO FUND THE FY 2021 PROJECTED DEFICIT

This item was adjourned to October 9, 2020.

16. [2020-0347](#) PRESENTATION AND UPDATE ON THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION REGIONAL PLANNING ACTIVITIES TO INFORM SUSTAINABLE AQUACULTURE DEVELOPMENT IN THE SOUTHERN CALIFORNIA BIGHT

This item was continued to a future Board meeting.

17. [2020-0344](#) RESOLUTION AUTHORIZING AN AGREEMENT UNDER THE BLUE ECONOMY INCUBATOR WITH PACIFIC OCEAN AQUAFARMS, LLC (POA) FOR THE DISTRICT TO ASSIST WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW PROCESSES AND CONDITIONAL USE OF DISTRICT FACILITIES FOR POA'S PROPOSED PROJECT DEMONSTRATING SUSTAINABLE OFFSHORE AQUACULTURE IN FEDERAL WATERS FOR A 15 YEAR TERM WITH AN OPTION TO EXTEND FOR AN ADDITIONAL TEN YEARS AND THIS AGREEMENT HAS NO ASSOCIATED FUNDING FROM THE DISTRICT

This item was continued to a future Board meeting.

18. [2020-0331](#) A) ORDINANCE GRANTING A LEASE TO MALIBU FARM SEAPORT VILLAGE INC. DBA MALIBU FARM FOR A FIRST-CLASS FULL-SERVICE RESTAURANT AT SEAPORT VILLAGE LOCATED AT 831 W. HARBOR DR., (SUITE C1) IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)

B) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH R.I. PROPERTIES, INC., DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO AMEND THE ANNUAL MAXIMUM EXPENDITURE, PAYMENT PROCEDURE OF COMMISSIONS, AND COMPENSATION STRUCTURE, AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS

This item was adjourned to October 9, 2020.

19. [2020-0288](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES

This item was adjourned to October 9, 2020.

20. [2020-0351](#) PRESENTATION ON THE PORT MASTER PLAN UPDATE (PMPU), INCLUDING UPDATES REFLECTING CURRENT STATUS PRIOR TO THE UPCOMING FOUR-WEEK PUBLIC REVIEW PERIOD FOR THE REVISED DRAFT PMPU

This item was adjourned to October 9, 2020.

21. [2020-0355](#) ORDINANCE AMENDING ARTICLE 4, SECTION 4.37 - REGULATION OF SIX PAC CHARTER VESSELS, TO SECTION 4.37 - REGULATION OF CHARTER VESSEL OPERATIONS IN SAN DIEGO BAY AND DISTRICT TIDELANDS

This item was continued to a future Board meeting.

22. [2020-0330](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

This item was adjourned to October 9, 2020.

23. [2020-0318](#) RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2021

This item was adjourned to October 9, 2020.

24. [2020-0228](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 10, 2020 MEETING

This item was adjourned to October 9, 2020.

OFFICER'S REPORT

25. [2020-0362](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

None to Report

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

A) Amendment No. 1 to Lease (#70513) with Del Sol Retail, LLC dba Del Sol & Cariloha / Amends Sections 4.1, 4.2 & 4.2.4 of Article 4 Related to Monthly Rent and Rent Relief, and Section 7 Regarding Lease Termination



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Friday, October 9, 2020

2:00 PM

Virtual Meeting

Adjourned Regular Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Public Communications.

Chair Moore began by explaining that the Board experienced technical difficulties on Tuesday, October 6, 2020, at the regular meeting with the live streaming to the public. A recording of the meeting has been posted on the Port's website, as usual, and will remain there for reference. At that meeting the Board heard informational presentations from fellow commissioners and the Port's CEO, and also took public comment. Chair Moore then asked if there any new public comment was received, Donna Morales, District Clerk, responded that the Port received one new comment.

The following member(s) of the public addressed the Board with non agenda-related comments: Chris Palmer, Senior Public Affairs Field Coordinator, California Special Districts Association

C. Ratification of Items from October 6 Adjourned Regular Meeting

Chair Moore announced that since the public was not able to view the meeting live, the Board will be ratifying the items voted on at the October 6, 2020 Board of Port Commissioners' meeting, in the abundance of caution.

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board ratified the items. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Continuation of items per staff's request: Consent Item 13 - File No. 2020-0349; Consent Item 14 - File No. 2020-0350; Action Item 16 - File No. 2020-0347; Action Item 17 - File No. 2020-0344

Continuation of items per San Diego Port Tenant's Request: Action Item 21 - File No. 2020-0355

Approval of Minutes: September 10, 2020 Closed Session Minutes; September 10, 2020 BPC Meeting Minutes

Approval of Consent Items 1 through 12

D. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that during the Closed Session on October 6, 2020, the Board considered the items on the published Closed Session Agenda, and stated that no reportable action was taken on those items.

E. District Clerk's Announcements.

Donna Morales, District Clerk, announced that the agenda-related items received for the October 6, 2020 meeting will be part of the record, and no additional agenda-related items were received.

ACTION AGENDA

15. [2020-0239](#) A) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

B) ADOPT RESOLUTION TO WAIVE BOARD OF PORT COMMISSIONER POLICY NO. 117 (BPC NO. 117) - OPERATING RESERVE POLICY TO BE BELOW THE REQUIRED FY 2021 BALANCE OF \$61.8M AND AUTHORIZE STAFF TO USE THE DIFFERENCE NOT TO EXCEED \$10.5M TO FUND THE FY 2021 PROJECTED DEFICIT

Robert DeAngelis, Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2020-0239 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Merrifield, Commissioner Bonelli, Commissioner Malcolm, Commissioner Valderrama, and Chair Moore, asked clarifying questions and provided comments. Mr. DeAngelis responded.

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-093. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

18. [2020-0331](#) A) ORDINANCE GRANTING A LEASE TO MALIBU FARM SEAPORT VILLAGE INC. DBA MALIBU FARM FOR A FIRST-CLASS FULL-SERVICE RESTAURANT AT SEAPORT VILLAGE LOCATED AT 831 W. HARBOR DR., (SUITE C1) IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)
B) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT WITH R.I. PROPERTIES, INC., DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO AMEND THE ANNUAL MAXIMUM EXPENDITURE, PAYMENT PROCEDURE OF COMMISSIONS, AND COMPENSATION STRUCTURE, AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS

Anthony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2020-0331 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Gordon then turned the presentation over to Alexa Paulus, Asset Manager, to provide overview of Seaport Village leasing activity, overview of Malibu Farm plans for Seaport Village, proposed lease terms, and the opening timeline for Malibu Farm.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Malcolm, Commissioner Castellanos, Commissioner Merrifield, Commissioner Bonelli, Commissioner Valderrama, Commissioner Zucchet, and Chair Moore, provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Ordinance 2983, and Resolution 2020-094. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

- 19.** [2020-0288](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT, THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND CALIFORNIA DEPARTMENT OF TRANSPORTATION REGARDING COOPERATIVE WORK ON IMPROVING ACCESSIBILITY, SUSTAINABILITY, AND ECONOMIC VITALITY TO THE PORT OF SAN DIEGO'S WORKING WATERFRONT WITHOUT COMPROMISING THE HEALTH OF LOCAL COMMUNITIES

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 19 - File No. 2020-0288 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation over to Stephen Shafer, Principal, Economics and Policy, to provide an overview of the project. Mr. Shafer then turned the presentation over to Laura Wagner, Management Analyst, Government & Civic Relations, to discuss the goals of the memorandum of understanding between San Diego Unified Port District, the San Diego Association of Governments and the California Department of Transportation, next steps, and recommended action. Ms. Wagner then turned the presentation over to Coleen Clementson, SANDAG Director of Regional Planning. Ms. Clementson then turned the presentation to Jacqueline Appleton-Deane, Program Manager CalTrans District 11. Ms. Appleton-Deane then turned the presentation back to Ms. Wagner. Ms. Wagner then read a letter of support received from San Diego City Councilmember Vivian Moreno, who was unable to attend due to a scheduling conflict.

The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Campaign Director, Environmental Health Coalition.

Commissioner Bonelli, Commissioner Valderrama, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, and Chair Moore, asked clarifying questions and provided comments. Mr. Nelson responded.

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-095. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

20. [2020-0351](#) PRESENTATION ON THE PORT MASTER PLAN UPDATE (PMPU), INCLUDING UPDATES REFLECTING CURRENT STATUS PRIOR TO THE UPCOMING FOUR-WEEK PUBLIC REVIEW PERIOD FOR THE REVISED DRAFT PMPU

Lesley Nishihira, Director, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 20 - File No. 2020-0351 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Janet Rogers, Embarcadero Coalition.

Commissioner Castellanos, Commissioner Malcolm, Commissioner Zucchet, Commissioner Bonelli, Commissioner Valderrama, and Chair Moore, provided comments and asked clarifying questions. Ms. Nishihira, Chair Moore, and Jason Giffen, Vice President, Planning, Environment and Government Relations, responded.

22. [2020-0330](#) RESOLUTION AUTHORIZING A SERVICE AGREEMENT OF FIVE YEARS FOR BODY WORN CAMERAS AND AS-NEEDED DATA SERVICES FROM AXON ENTERPRISE, INC. AS AUTHORIZED BY COOPERATIVE AGREEMENT. THE SERVICE AGREEMENT IS FOR THE PERIOD OF NOVEMBER 1, 2020 TO OCTOBER 31, 2025, IN AN AMOUNT NOT TO EXCEED \$1,680,232.20 FUNDING OF THE FIRST YEAR REQUIRES SPECIAL AUTHORIZATION FROM THE BOARD TO USE \$187,660.26 OF RESERVE FUNDS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET

Mark Stainbrook, Chief of Harbor Police, addressed the Board with staff's report and presentation regarding Action Agenda Item 22 - File No. 2020-0330 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Zucchet, Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, and Chair Moore provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-096. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

23. [2020-0318](#) RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS OF THE SAN DIEGO UNIFIED PORT DISTRICT FOR CALENDAR YEAR 2021

Chair Moore nominated Commissioner Zucchet as Chair, Commissioner Malcolm as Vice Chair, and Commissioner Castellanos as Secretary.

On a motion by Chair Moore, seconded by Commissioner Valderrama, the Board adopted Resolution 2020-097 and elected Michael Zucchet as Chair, Dan Malcolm as Vice Chair, and Rafael Castellanos as Secretary. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

24. [2020-0228](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 10, 2020 MEETING

Commissioner Bonelli remarked that he would like to explore the possibility of having an informational item added to a future agenda to invite the new owners of the Manchester Pacific Gateway to discuss their plans for the site.

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board adopted the proposed agenda for November. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Don McJ

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, November 10, 2020

10:00 AM

Virtual Meeting

A. Roll Call.

- Present:** 5 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, and Commissioner Zucchet
- Excused:** 2 - Chairperson Moore, and Commissioner Valderrama
- Absent:** 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0385](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

2. [2020-0388](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Tidelands consisting of 5 acres of land and 1.2 acres of submerged land located in the Otay district of the Chula Vista Bayfront at the site of the former South Bay Power Plant

Negotiating Parties:

Poseidon Resources (Channelside) LP - Josie Mckinley
SDUPD - Adam Meyer, Stephanie Shook and Matt Ostlund

Under Negotiations: Price and Terms

No reportable action was taken on this item.

3. [2020-0390](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District, et al. v. Monsanto Company, et al.
United States District Court Case No. 15-CV-0578 WQH (JLB)

No reportable action was taken on this item.

4. [2020-0395](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9

One (1) Case

No reportable action was taken on this item.

5. [2020-0396](#) Closed Session Item No. 5

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)

One (1) Case

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, November 10, 2020

1:00 PM

Virtual Meeting

A. Roll Call.

Present: 4 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, and Commissioner Zucchet

Excused: 3 - Commissioner Malcolm, Chairperson Moore, and Commissioner Valderrama

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, and stated that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association; and Peter Flournoy, American Tuna Boat Association.

D. Board Committee Reports.

Commissioner Castellanos reported that he was joined by Commissioner Valderrama and Commissioner Malcolm for the Maritime Stakeholder Forum on October 13. This was the second time holding the meeting virtually via Microsoft Teams and it had another great showing of over 50 participants.

As part of the public comments they heard from The American Tuna Boat Association on the successful turnout at the Tuna Harbor Dockside Market. Commissioner Castellanos wanted to remind everyone that--every Saturday--people can enjoy local catches sold right here at the Port of San Diego by commercial fishermen.

The Forum also received a presentation from Port staff on the TIGER Project Completion Ceremony held at Tenth Avenue Marine Terminal on September 29, 2020. The celebration was comprised of a small group due to COVID-19 regulations, Vice Chair Zucchet attended the ceremony and spoke. The \$24M modernization project will allow the Port of San Diego to accommodate larger specialty cargo.

The Forum also had an great presentation by the San Diego Port Tenants Association. Sharon Cloward presented on their California Energy Commission Grant Agreement. She shared the project goals, deliverables, and current status. SDPTA's first partner was

Dole, located at Tenth Avenue Marine Terminal, with two vehicle deliverables in June 2018. Following that, SDPTA delivered two vehicles to Marine Group Boat Works, three vehicles to Pasha, and two vehicles to Terminalift from the period of December 2018 through February 2020. The presentation from SDPTA also included insight on the Freight Signal Priority (FSP) system that was recently set up for Harbor Drive at eleven intersections. The Forum was given the opportunity to learn about the system and operations overview with current project deliverables and future progress. The SDPTA presentation concluded by sharing general lessons learned regarding the advanced understanding in different areas, including grant administration.

Additionally, they received a presentation from the Port of San Diego Ship Repair Association outlining who they are and all they do here in San Diego for our commercial partners, and of course the Navy.

Finally, port staff provided an update on the Maritime Clean Air Strategy (MCAS) and requested two volunteers from the Maritime Stakeholders to participate in a subcommittee to further define and shape the MCAS. Commissioner Castellanos was glad to report, that following that meeting Port staff received three volunteers to assist in that effort. He thanked all those who participated and look forward to the upcoming forum which will be taking place on November 17.

Commissioner Castellanos remarked that the Maritime Stakeholders are an important part of the Port fabric and their participation is appreciated.

E. Commissioners' Reports.

Commissioner Merrifield provided a report on the Coronado Bridge Lighting Pilot project which is testing this week. Commissioner Merrifield explained that this has taken five years and \$2 million in private funding to purchase and install the lights for this pilot project, which will provide an important opportunity to figure out the placement and intensity of the lights. The Port obtained four permits: Coastal Commission (permitted a one-week window to demonstrate and test); CalTrans (operates and maintains the bridge); also the Army Corp of Engineers and the Regional Water Quality Control Board granted permits. Commissioner Merrifield urged everyone to check it out this evening, and added that it will continue each evening through Saturday (11/14).

F. President's Report.

Randa Coniglio, President/CEO, announced that she had a couple of items to talk about and would like to begin with showing a short video that documents the creation of the Port's newest and largest mural called "Working Waterfront." The project was made possible with funding from a Tenant Percent-for-Art contribution from Pasha into the Port's Public Art Fund. The mural is located at the National Distribution Center in National City. The artwork spans an impressive 165 feet long by 35 feet high. The colorful mural features three waterfront workers engaged in various maritime activities such as cargo transport and ship repair. Ms. Coniglio remarked that she thinks the "mural helps celebrate and humanize the working waterfront industries, and will even inspire our younger generations".

Ms. Coniglio then addressed the Port's ongoing response to COVID-19. Ms. Coniglio explained that the Port continues to focus efforts on the health and safety of our employees. The Executive Leadership Group still meets twice a week to discuss COVID-related issues and cross-departmental collaboration continues to occur to ensure the Port is pro-actively addressing COVID-related issues and concerns as the pandemic continues to evolve. Since the last update at the October Board meeting, there have

been two new cases of COVID-positive employees. Both employees are Harbor Police officers. This brings the total to 12 Port employees, including these recent cases, that have tested positive for COVID-19 since the pandemic began. Ms. Coniglio added that she is pleased to report that all employees who previously contracted COVID have made a full recovery. Ms. Coniglio also informed the Board that Port staff continues to monitor what the regional public agencies are doing in terms of remote-work versus office-work, and how they are conducting public meetings, to maintain alignment with what other agencies are doing.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that additional agenda-related materials were received for the following item - Agenda Item 1 - File No. 2020-0374.

The following item was combined with Consent Agenda Item 2 (File No. 2020-0096) and no longer requires Board action: Consent Agenda Item 3 - File No. 2020-0097.

The Board will consider staff's request to continue the following items to a future Board meeting: Consent Agenda Item 4 - File No. 2020-0381; Public Hearing Agenda Item 10 - File No. 2020-0393; and Action Agenda Item 15 - File No. 2020-0360. And, for Action Agenda Item 15 a request to speak was received from Uri Feldman, who wishes to speak only if the item is not continued.

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board approved the requested docket changes. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2020-0392](#) Approval of minutes for:

October 6, 2020 - CLOSED SESSION

October 6, 2020 - BPC MEETING

October 9, 2020 - ADJOURNED REGULAR MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board approved the minutes. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

SPECIAL PROCLAMATIONS AND RECOGNITIONS

1. [2020-0374](#) A PROCLAMATION HONORING GREG COX FOR HIS LONG AND DISTINGUISHED CAREER IN PUBLIC SERVICE, CULMINATING IN 25 YEARS OF REPRESENTING DISTRICT 1 ON THE SAN DIEGO COUNTY BOARD OF SUPERVISORS WHICH INCLUDES ALL OR PORTIONS OF ALL FIVE PORT MEMBER CITIES

Vice Chair Zucchet led the item by explaining that Chair Moore sends deep regrets that she couldn't be a part of the special recognition of Supervisor Cox today.

Commissioner Bonelli, Commissioner Castellanos, Commissioner Merrifield, and Vice-Chair Zucchet, provided comments and thanked Supervisor Cox for his many years of service, for his significant contributions and the impacts he has made to the San Diego region.

Supervisor Cox expressed his gratitude that he was able to serve the public, and that he has enjoyed working with Port staff and the Commissioners over the years.

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-098. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-099; Resolution 2020-100; Resolution 2020-101; Resolution 2020-102; and Resolution 2020-103. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

2. [2020-0096](#) RESOLUTION AUTHORIZING AGREEMENT WITH MALLORY SAFETY AND SUPPLY LLC FOR MESH DATA EQUIPMENT AND SERVICES IN AN AMOUNT NOT TO EXCEED \$333,940 WITH A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$413,939. FISCAL YEAR 2021 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SECURITY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-099 as part of the Consent agenda.

3. [2020-0097](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MALLORY SAFETY AND SUPPLY FOR PUBLIC SAFETY COMMAND VEHICLE DATA RADIO SYSTEM AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$142,000, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$225,000. FISCAL YEAR 2021 EXPENDITURES ARE FULLY FUNDED BY AN URBAN AREA SECURITY INITIATIVE GRANT AND BUDGETED IN THE INFORMATION TECHNOLOGY CAPITAL TECHNOLOGY MANAGEMENT PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEAR'S BUDGET

This item has been combined with agenda file 2020-0096.

This item was combined with Item 2 - File No. 2020-0096. Board action no longer required for this item.

4. [2020-0381](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDDING CONTRACT NO. 2019-38 TO _____ IN THE AMOUNT OF \$_____ FOR THE U.S COAST GUARD PHASE II TENANT IMPROVEMENTS PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY2021 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET.

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

5. [2020-0275](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND AWARDING CONTRACT NO. 2019-12 TO BLUE PACIFIC ENGINEERING & CONSTRUCTION IN THE AMOUNT OF \$247,142.00 FOR THE RETAINING WALL AT CENTENNIAL PARK PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2021 MAJOR MAINTENANCE BUDGET
- On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-100 as part of the Consent agenda.
6. [2020-0373](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE BLUE ECONOMY INCUBATOR AGREEMENT WITH SWELL ADVANTAGE LTD., CONSENTING TO AN ACQUISITION OF SWELL, ACCEPTING PAYMENT OF \$150,000 (150% OF DISTRICT'S FINANCIAL CONTRIBUTION TO SWELL'S PILOT PROJECT) IN EXCHANGE FOR ENDING SWELL'S FUTURE OBLIGATIONS TO THE DISTRICT, AND TERMINATING THE AGREEMENT
- On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-101 as part of the Consent agenda.
7. [2020-0378](#) RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE GENERAL COUNSEL
- On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-102 as part of the Consent agenda.
8. [2020-0394](#) RESOLUTION ESTABLISHING THE BOARD OF PORT COMMISSIONERS' REGULAR MEETING DATES FOR CALENDAR YEAR 2021
- On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-103 as part of the Consent agenda.

PUBLIC HEARING AGENDA

9. [2019-0374](#) MICROGRID INFRASTRUCTURE AT TAMT PROJECT
- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION MAKING FINDINGS OF ENERGY SAVINGS FROM THE MICROGRID INFRASTRUCTURE AT TAMT PROJECT UNDER CALIFORNIA GOVERNMENT CODE SECTION 4217.10, ET SEQ.
- B) ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 20-06 TO EDF RENEWABLES DISTRIBUTED SOLUTIONS, INC. IN THE AMOUNT OF \$2.77M FOR THE

MICROGRID INFRASTRUCTURE AT TAMT PROJECT AS AUTHORIZED BY THE BOARD IN THE FY2021 CAPITAL IMPROVEMENT PROGRAM, FUNDED UNDER THE CALIFORNIA ENERGY COMMISSION GRANT AGREEMENT NUMBER EPC-17-049

Renee Yarmy, Program Manager, Energy, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 9 - File No. 2019-0374 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Vice Chair Zucchet opened the public hearing for public comment. No public came forward to speak. Vice Chair Zucchet then closed the public hearing.

Commissioner Merrifield and Commissioner Castellanos provided comments.

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted RESOLUTION 2020-104 MAKING FINDINGS OF ENERGY SAVINGS FROM THE MICROGRID INFRASTRUCTURE AT TAMT PROJECT UNDER CALIFORNIA GOVERNMENT CODE SECTION 4217.10, ET SEQ. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-105 APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 20-06 TO EDF RENEWABLES DISTRIBUTED SOLUTIONS, INC. IN THE AMOUNT OF \$2.77M FOR THE MICROGRID INFRASTRUCTURE AT TAMT PROJECT AS AUTHORIZED BY THE BOARD IN THE FY2021 CAPITAL IMPROVEMENT PROGRAM, FUNDED UNDER THE CALIFORNIA ENERGY COMMISSION GRANT AGREEMENT NUMBER EPC-17-049. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

10. [2020-0393](#) FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT
- A) PRESENTATION AND DIRECTION TO STAFF ON THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT; AND/OR
- B) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING THE FILING OF THE NOTICE OF DETERMINATION; AND
- C) ADOPT RESOLUTION ADOPTING THE PHASE I ONLY MARINA ALTERNATIVE (ALTERNATIVE 4) OF THE FINAL ENVIRONMENTAL IMPACT REPORT; AND
- D) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AS AMENDED TO REFLECT THE PHASE I ONLY MARINA ALTERNATIVE, AND DIRECTING FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

The Board will consider staff's request to continue this item to a future Board meeting.

This item was continued to a future Board meeting.

11. [2020-0358](#) AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, AND UPDATED FORMAT AND LANGUAGE
- A. RESOLUTION FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES
- B. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE

Joel Valenzuela, Maritime Director, addressed the Board with staff's report and

presentation regarding Public Hearing Agenda Item 11 - File No. 2020-0358 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Valenzuela then turned the presentation over to Josephina Khalidy, Principal, Maritime, to present staff's recommendations, provide a brief background of the item, walk through proposed changes to the tariff rates, provide an overview of stakeholder outreach efforts, and present the fiscal impact of the revised tariff.

The following member(s) of the public addressed the Board with agenda-related comments for sub-item A: None

There were no Commissioner or public comments for sub-item A.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-106 FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

Vice Chair Zucchet opened the public hearing for public comment for sub-item B. No public came forward. Vice Chair Zucchet closed the public hearing.

The Board did not provide any comments for sub-item B.

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Ordinance 2984 AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE. The motion carried by the following vote:

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA**12. [2020-0356](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE**

Vanessa Lopez, Human Resources Technician, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2020-0356 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Lopez then turned the presentation to Randa Coniglio, President/CEO. Ms. Coniglio introduced and acknowledged tenure of: Gabby Livingston, Office of the District Clerk, 15 years of service; Alice Ayala, Planning and Green Port, 20 years of service; Allison Vosskuhler, Planning and Green Port, 20 years of service; Denise Buth, Executive Services, 20 years of service; and Kirk Nichols, Harbor Police, 25 years of service.

Vice-Chair Zucchet, Commissioner Merrifield, and Commissioner Castellanos provided comments.

13. [2020-0389](#) INFORMATIONAL PRESENTATION AND UPDATE ON A PARTNERSHIP AGREEMENT FOR A CONFLICT PREVENTION AND RESOLUTION PROTOCOL BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA COASTAL COMMISSION

Randa Coniglio, President/CEO, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2020-0389 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Coniglio then turned the presentation to Jason Giffen, Vice President, Planning, Environment and Government Relations, to highlight some of the aspects of the agreement.

The following member(s) of the public addressed the Board with agenda-related comments: None.

Commissioner Castellanos, Commissioner Merrifield, and Vice-Chair Zucchet, provided comments.

14. [2020-0359](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2020-0359 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Bonelli, and Commissioner Castellanos, Vice-Chair Zucchet, and Commissioner Merrifield, provided comments and asked clarifying questions. Mr. DeAngelis, and Tony Gordon, Director, Real Estate, responded.

15. [2020-0360](#) LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT

A) PRESENTATION AND DIRECTION TO STAFF ON THE LOCKHEED

MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR COASTAL DEVELOPMENT PERMIT; AND/OR
 B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE “LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT,” ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
 C) ADOPT RESOLUTION ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE “LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT”; AND
 D) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO LOCKHEED MARTIN CORPORATION FOR THE “LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT”

This item was continued to a future Board meeting.

16. [2020-0229](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 8, 2020 MEETING

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the proposed agenda for December.

Yeas: 4 - Bonelli, Castellanos, Merrifield, and Zucchet

Nays: 0

Excused: 3 - Malcolm, Moore, and Valderrama

Absent: 0

Abstain: 0

Recused: 0

OFFICER’S REPORT

17. [2020-0387](#) OFFICER’S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

None to Report

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

A) Request for User Fee Waiver Form from United States of America, Department of the Navy for Right of Entry for Use of Various District Locations for Training Purposes, for total amount \$500.00

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

A) Encumbrance Review and Approval with The Brigantine, Inc. dba Portside Pier in Favor of California Bank & Trust in the Amount of \$6,375,000.00

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Thursday, November 12, 2020

1:00 PM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Chair Moore was excused until she returned to the meeting.

Officers Present: Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0399](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

Don Morales

Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, December 1, 2020

10:00 AM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Morales and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0407](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, December 7, 2020

10:00 AM

Virtual Meeting

PMPU Workshop

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Merrifield was excused until he arrived at 11:19 am.

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Non-Agenda Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

ACTION AGENDA

1. [2020-0404](#) PRESENTATION AND DIRECTION TO STAFF ON THE PORT MASTER PLAN UPDATE (PMPU), INCLUDING AN OVERVIEW OF THE COMMENTS RECEIVED ON THE REVISED DRAFT PMPU AND STAFF'S APPROACH TO REVISING THE DOCUMENT

Chair Moore provided opening comments and then turned the presentation over to Jason Giffen, Vice President, Planning, Environment and Government Relations to address the Board with staff's report and presentation regarding PMPU Workshop Item 1 - File No. 2020-0404 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Giffen then turned the presentation over to Lesley Nishihira, Director, Planning, to provide a summary of the comments received and staff's approach to responding to the comments received. Ms. Nishihira then turned the presentation back to Mr. Giffen to discuss comments received related to environmental goals and policies, and comments received regarding policy issues beyond the scope of the PMPU. Mr. Giffen then turned the presentation to Ms. Nishihira to discuss two specific policy issues that staff is requesting direction from the Board: new residential piers, and development in the north embarcadero sub-district. Ms. Nishihira then turned the presentation back to Mr. Giffen to discuss the next steps for the PMPU process.

The following member(s) of the public addressed the Board with agenda-related comments: Peter Halmay, San Diego Fisherman's Working Group; Adrian Fremont, resident Marina District; Douglas Tibbets, resident; Janet Rogers, Embarcadero Coalition; Yadira Malekadeli, Embarcadero Coalition; Mehdi Malekadeli, Embarcadero Coalition; Steven Gershwind; Steve Kahn, Embarcadero Coalition; Susan Simon, Embarcadero Coalition; C.H. Fitzgerald; Elaine Regan; Donald Wood, San Diego Waterfront Coalition; Fred Hottinger; Joanne Redwood; Ryley Webb, Pacifica Companies; Keith Mishkin, Cays Resort, LLC; Brigette Browning, Unite Here Local 30; Tom Lemon, San Diego Building and Construction Trades Council; Mike Seneca; Peter Fournoy, American Tuna Boat Association; David Alvarez, Latino Equity Council; Bill Tippets, Southwest Wetlands Interpretive Association; Sharon Cloward, San Diego Port Tenants Association; Yehudi Gaffen; Sharon Gehl; Josephine Talamantez; James Morrison was called but did not respond; Marshall Anderson, Downtown San Diego Partnership; Rebecca Lieberman, San Diego Regional Chamber of Commerce; Eric Jones, Columbia District Neighborhood; Michael Tremble, Gaslamp Quarter Association; Caramia Thompson, East Village Association; Alex Gutierrez, City Center Business District; Kim Tolles, Coronado Cays Homeowners Association; Uri Feldman, Sunroad Enterprises; Janet Callow, Outboard Boating Club; Suzanne Varco, representing Art Engle; and Sabby Jonathan; Jeffrey Chen was called but did not respond.

Commissioner Castellanos, Commissioner Bonelli, Commissioner Zucchet, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, and Chair Moore provided comments and direction to staff, and asked clarifying questions. Mr. Giffen, Chair Moore, Ms. Nishihira, and Rebecca Harrington, Senior Deputy General Counsel, responded.

Rafael Castellanos

Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, December 8, 2020

10:00 AM

Virtual Meeting

Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Merrifield was excused until he arrived at 10:07 am.

Officers Present: Coniglio, DeAngelis, Morales, and Russell.

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Danny Serrano, Environmental Health Coalition.

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0412](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

This item was continued to a future Board meeting.

2. [2020-0414](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation Government Code Section 54956.9(d)(2)

One (1) Case

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, December 8, 2020

1:00 PM

Virtual Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Merrifield was excused until he arrived at 1:08 pm.

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered Item 2 - File No. 2020-0414 on the Closed Session Agenda and Item 1 - File No. 2020-0412 was continued to a future Board meeting. Mr. Russell stated that no reportable action was taken.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Janet Rogers, Embarcadero Coalition.

D. Board Committee Reports.

Commissioner Valderrama reported on the Accessibility Advisory Committee. Commissioner Valderrama shared that the committee reviewed the annual work plan and received an update on the 2020 projects. The committee also recognized Commissioner Valderrama and thanked him for his leadership as Chair for the past four years.

Commissioner Valderrama then provided a report on the Maritime Stakeholders Forum. Commissioner Valderrama shared that he, along with Commissioners Castellanos and Malcolm, attended the forum during which they received a report on the operations conducted at the Tenth Avenue Marine Terminal that were made possible by the recent completion of the TIGER project. Because of the expanded dock area, the Port was able to receive windmill blades, as well as participate in a military loadout.

Commissioner Castellanos provided a report on the Environmental Advisory Committee. Commissioner Castellanos explained that the Environmental Advisory Committee held its third and final meeting of the year on December 2, 2020. The Committee received two

presentations. The first presentation was from UC San Diego's Scripps Institute of Oceanography. The Port is collaborating with Scripps on the Resilient Futures: San Diego Bay project. The project's goal is to better understand wave energy and potential flooding around the Bay, both under current conditions and with future sea-level rise. Scripps deployed four wave sensors around the Bay in January 2020 and will continue to collect data through 2022. This data will help the Port characterize shoreline vulnerability, mitigate flooding, and inform adaptive management strategies. The Committee also received an update on the Climate Action Plan and the Local Government Partnership (LGP) with SDG&E. The LGP is a 10-year partnership, concluding this year, that has helped progress much of the Port's Climate Action Plan (CAP) goals, including reducing the Port's utility expenses, supporting energy efficiency audits, CAP planning, greenhouse gas inventorying, and education and outreach for staff and tenants. These presentations complete the Committee's 2020 Annual Work Plan.

Commissioner Zucchet provided a report on the Audit Oversight Committee. The Audit Oversight Committee met on November 30, 2020. The agenda included a presentation from the District's external auditors, Macias, Gini and O'Connell (MGO), on their review of the District's financial statements and federal grants for Fiscal Year 2020. The managing partner, Peter George, provided an update on new GASB (Governmental Accounting Standards Board) rules that will impact the District's financial reporting in the future. The Committee recommended the approval of the Audited Financial Statements and Single Audit Report to the Board for approval later in today's meeting. Mark Yeilding, Acting Port Auditor, presented the Port Auditor's status report on audit activities related to the District's audit plan for Fiscal Year 2021. Mr. Yeilding also discussed the status of hotline reports received through the District's Ethics Hotline.

E. Commissioners' Reports.

Commissioner Merrifield shared an update on the Coronado Bridge Lighting Project. In October 2019, the Port received a permit from the Coastal Commission to conduct the first over water testing of color LED lighting on the Coronado Bay Bridge. Just last month, the Port conducted and successfully completed this 7-day testing. 170 specialized computer programmable luminaires were temporarily mounted on three pillars of the Bridge to produce an amazing display of artistic lighting in dozens of colors, combinations, and sequences. Holidays, special causes, and even the colors of the Port member cities were tested. The purpose of the testing was to evaluate the technical functionality of luminaires, and ensure the ability to effectively produce the broad range of artistic lighting effects that were envisioned.

The testing also enabled the design team to optimize the installation factors including positioning, aiming, focusing, and shielding in order to obtain the best distribution of emitted light on the piers. The mock-up installation and operations were performed by District contractors Southern Contracting Co. of San Marcos and Pro-Cal Lighting Inc. of Vista. On-scene oversight of the testing program was performed by the Port's LA-based design team partner Buro Happold Consulting Engineers as well as Port staff. Throughout the testing week, the illuminations were widely visible to observers around the bay and received extensive press and social media coverage. The Port also captured spectacular still and video photography—from multiple vantage points. In summary, the successful completion of the 7-day bridge lighting testing marks a major and substantive milestone on the path forward towards a vision of illuminating all 29 pillars from the Coronado shoreline to San Diego. Commissioner Merrifield then shared a short video.

F. President's Report.

Randa Coniglio, President/CEO, began by thanking Commissioner Merrifield for all of his hard work on the bridge lighting project.

Ms. Coniglio then announced that due to the State of California regional stay-at-home order that took effect on December 6th, the Port has taken measures to comply with this order and has temporarily closed all playgrounds for the duration of the order.

The Port continues to focus its efforts on the health and safety of our employees. The Executive Leadership Group meets regularly to discuss COVID-related issues to make sure the Port is keeping up with the most recent guidance. Additionally, the Port has re-activated its virtual Emergency Operations Center to monitor operations while the stay-at-home order is in place. The Port continues to ensure that all safety measures and protocols are followed, and that adequate Personal Protective Equipment is provided to all employees to help reduce the risk of contracting the virus at work. Since the last update at the Board meeting in November, there have been nine new cases of COVID-positive employees impacting Harbor Police, Maritime, Dispatch and Administrative departments. Some of the COVID-positive employees have been working remotely and have not been present at Port facilities during the contagious phase of the illness. This brings our total to 22 Port employees, including these recent cases, that have tested positive for COVID-19 since the pandemic began. Ms. Coniglio added that she is pleased to report that to date, none of our employees have been hospitalized and all have, or are expected to, fully recover from their illness.

Ms. Coniglio then reported that on November 24th, Pasha Automotive Services joined National City Mayor Sotelo-Solis alongside community leaders from National City to distribute COVID-19 safety kits during the annual free turkey giveaway for National City residents. There were 500 turkeys available to residents and 800 COVID-19 safety kits that included a thermometer, hand sanitizer, wipes, and masks. The Port appreciates this gesture as well as all the other kind gestures made by the many tenants, customers, and operators along our waterfront. Being good neighbors is important.

G. District Clerk's Announcements.

Donna Morales, District Clerk announced that additional agenda related items were received by the Board after the publication of the agenda for the following: Item 8 - File No. 2020-0319, Item 10 - File No. 2020-0370, Item 12 - File No. 2020-0255; and Item 14 - File No. 2020-0242.

APPROVAL OF MINUTES

[2020-0419](#) Approval of minutes for:

November 10, 2020 - CLOSED SESSION

November 10, 2020 - BPC MEETING

November 12, 2020 - CLOSED SESSION

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the board approved the minutes. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 1 - Valderrama

Recused: 0

CONSENT AGENDA

Commissioner Castellanos announced that he is recusing himself from Consent Item 7 - File 2020-0403. The item will be voted on separately from the other Consent items.

Commissioner Zucchet requested that Items 3A - File Number 2020-0372, and 3B - File Number 2020-0375 be pulled from consent for discussion.

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted the remaining Consent items thereby adopting Ordinance 2985, Ordinance 2986, Resolution 2020-107, Resolution 2020-108, Resolution 2020-109, Resolution 2020-110, Resolution 2020-114, and Resolution 2020-115. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2019-0345](#) ORDINANCES APPROVING:

A) AGREEMENT FOR AMENDMENT OF EASEMENT AMENDMENT NO. 1 TO ADD APPROXIMATELY 1,676 SQUARE FEET OF AREA TO THE EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR ADDITIONAL WATER UTILITY FACILITIES TO BE LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO AND NECESSARY FOR THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION'S BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT

B) A SIXTY-SIX (66) YEAR EASEMENT FOR UTILITY PURPOSES TO SAN DIEGO GAS & ELECTRIC COMPANY FOR ELECTRICAL AND NATURAL GAS FACILITIES LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO AND NECESSARY FOR THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION'S BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT

On a motion by Commissioner Merrifield, seconded by Commissioner

Castellanos, the Board adopted Ordinance No. 2985 and Ordinance No. 2986 as part of the Consent Agenda.

2. [2020-0371](#) RESOLUTION ACCEPTING AND FILING THE EXTERNAL AUDITOR'S REPORT ON THE AUDIT OF THE DISTRICT'S FINANCIAL STATEMENTS AND SINGLE AUDIT FOR THE YEAR ENDING JUNE 30, 2020

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-107 as part of the Consent Agenda.

4. [2020-0376](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY 2020/2021 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$150,000 AND GRANTING INDEMNITY

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-108 as part of the Consent Agenda.

5. [2020-0377](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO TO RECEIVE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2019 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-109 as part of the Consent Agenda.

6. [2020-0391](#) RESOLUTION AUTHORIZING AGREEMENT UNDER THE DISTRICT'S BLUE ECONOMY INCUBATOR WITH FREDSENSE TECHNOLOGIES CORP. FOR A 2-YEAR PILOT PROJECT TO DEVELOP A PORTABLE FIVE-IN-ONE FIELD-TESTING SENSOR DEVICE FOR REAL-TIME STORMWATER ANALYSIS FOR A TOTAL AMOUNT NOT TO EXCEED \$200,000. FUNDING FOR THE FIRST YEAR OF THE PILOT PROJECT IS SET AT \$60,000 AND BUDGETED FOR IN THE CURRENT FISCAL YEAR (FY21); ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-110 as part of the Consent Agenda.

8. [2020-0319](#) OTAY RIVER ESTUARY RESTORATION PROJECT:
- A) ADOPT RESOLUTION TO CONSIDER AN ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL ACTION STATEMENT IN PLACE OF AN ENVIRONMENTAL IMPACT REPORT, APPROVE A CEQA EQUIVALENCY MEMORANDUM AND ADDENDUM, ADOPT FINDINGS OF FACT, ADOPT MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECT FILING OF THE NOTICE OF DETERMINATION
- B) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO POSEIDON RESOURCES (CHANNELSIDE) LP FOR A PORTION OF THE OTAY RIVER ESTUARY RESTORATION PROJECT CONDITIONED ON POSEIDON RESOURCES (CHANNELSIDE) LP OBTAINING REAL PROPERTY RIGHTS FROM THE DISTRICT FOR THE PROJECT SITE WITHIN THE DISTRICT'S JURISDICTION

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-114 and Resolution 2020-115 as part of the Consent Agenda.

7. [2020-0403](#) LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT
- A) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT," ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
- B) ADOPT RESOLUTION ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT"; AND
- C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO LOCKHEED MARTIN CORPORATION FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT"

The following member(s) of the public addressed the Board with agenda-related comments: Uri Feldman, Sunroad Enterprises.

Commissioner Malcolm and Commissioner Valderrama provided comments and asked clarifying questions. Christopher Burt, Deputy General Counsel, and John Carter, Deputy General Counsel, responded.

On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-111, Resolution 2020-112, and Resolution 2020-113. The motion carried by the following vote:

Yeas: 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

- 3. A)** [2020-0372](#) RESOLUTION AUTHORIZING A 40-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF IMPERIAL BEACH FOR LAW ENFORCEMENT, FIRE, EMERGENCY MEDICAL, LIFEGUARD, ANIMAL CONTROL, AND MAINTENANCE SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF IMPERIAL BEACH

This Consent Item was continued to the December 28, 2020 Board meeting.

- 3. B)** [2020-0375](#) RESOLUTION AUTHORIZING A 40-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA FOR POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CHULA VISTA

This Consent Item was continued to the December 28, 2020 Board meeting.

Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, provided a staff presentation regarding Consent Agenda Items 3 A - File No. 2020-0372 and 3 B - File No. 2020-0375 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Zucchet, Commissioner Merrifield, Chair Moore, Commissioner Malcolm, Commissioner Bonelli, Commissioner Valderrama, and Commissioner Castellanos, provided comments and asked clarifying questions. Shaun Sumner; David Jones, Deputy General Counsel; Chief Mark Stainbrook, Harbor Police; Andy Hall, City Manager, Imperial Beach; and Maria Kachadoorian, City Manager, City of Chula Vista, responded.

Commissioner Zucchet made a motion to continue Items 3A and 3B and direct staff to reach out to the remaining member cities and bring back agreements in the spring. Commissioner Merrifield seconded the motion. Commissioners discussed items and did not take a vote.

Commissioner Bonelli made a substitute motion, seconded by Commissioner Zucchet to direct staff to reach out to the remaining member cities and bring back the items back in 60 days at the February Board meeting. Commissioner Merrifield accepted the substitute motion as the seconder of the primary motion. The motion failed by the following vote:

Yeas: 3 - Bonelli, Merrifield, and Zucchet

Nays: 4 - Castellanos, Malcolm, Moore, and Valderrama

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Commissioner Malcolm made a motion to continue Consent Items 3A and 3B to the December 28, 2020 Board meeting, and have staff work with the Commissioners in the interim to get the information that they need on these items. Commissioner Valderrama seconded the motion. Commissioner Castellanos made a very friendly amendment to have staff reach out to remaining cities to see what prep work can be done to engage the cities and provide them with the framework of the two agreements that have been presented today. Commissioner Malcolm as primary, and Commissioner Valderrama as seconder, accepted the amendment. The amended motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

Nays: 1 - Zucchet

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

9. [2020-0383](#) PRESENTATION OF THE SAN DIEGO UNIFIED PORT DISTRICT EQUAL OPPORTUNITY PROGRAM ANNUAL REPORT FOR FISCAL YEAR 2020

Randa Coniglio, President/CEO, provided opening remarks then turned the presentation over to Shirley Hirai, Manager, Equal Opportunity, to provide staff's report and presentation regarding Action Agenda Item 9 - File No. 2020-0383 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Castellanos, Commissioner Valderrama, and Chair Moore provided comments.

10. [2020-0370](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2020-0370 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. DeAngelis then turned the presentation over to Job Nelson, Chief Policy Strategist, to provide an update on stimulus activities at the federal level.

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association, with time ceded by Corshelle Worsham.

Commissioner Merrifield asked a clarifying question. Thomas A. Russell, General Counsel, responded. Commissioner Zucchet, Commissioner Malcolm, and Commissioner Bonelli, provided comments.

Commissioner Merrifield made a motion to add an item to the end of the agenda for discussion regarding rent relief, Commissioner Zucchet seconded the motion.

Commissioner Valderrama made a friendly amendment to have staff review information and bring back rent relief item at the special December 28, 2020 meeting. Commissioner Merrifield and Commissioner Zucchet accepted the friendly amendment. The amended motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

11. [2020-0206](#) CHULA VISTA BAYFRONT HARBOR PARK PROJECT:
 A) ADOPT RESOLUTION ADOPTING A THIRD ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION
 B) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT HARBOR PARK PROJECT

Wileen Manaois, Director, Development Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0206 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Manaois then turned the presentation over to Michelle Chan, Senior Planner, Development Services to provide an overview and vision of the park, stakeholder outreach efforts, development phases, park programming, the third addendum of the Environmental Impact Report (EIR), the Coastal Development Permit

(CDP), and staff recommendations.

The following member(s) of the public addressed the Board with agenda-related comments: None

Commissioner Bonelli, Commissioner Malcolm, Commissioner Castellanos, and Chair Moore, provided comments.

On a motion by Chair Moore, seconded by Commissioner Malcolm the Board adopted Item A - RESOLUTION 2020-116 ADOPTING A THIRD ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

On a motion by Chair Moore, seconded by Commissioner Malcolm, the Board adopted Item B - RESOLUTION 2020-117 AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT HARBOR PARK PROJECT. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Chair Moore left the meeting at 5:04 pm and turned the meeting to Vice Chair Zucchet.

- 12.** [2020-0255](#) **MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:**
A) PRESENTATION AND DIRECTION TO STAFF ON THE MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND

LOADING FACILITY PROJECT FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND/OR CONDITIONAL AGREEMENT AND/OR CONCEPT APPROVAL AND/OR COASTAL DEVELOPMENT PERMIT; AND/OR

B) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND

C) ADOPT ORDINANCE GRANTING AMENDMENT NO. 5 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO ADD REQUIREMENTS RELATING TO THE PHASED-IN USE OF ZERO EMISSION TRUCKS THAT SERVICE THE MITSUBISHI CEMENT CORPORATION FACILITY AT THE TENTH AVENUE MARINE TERMINAL AND EXTEND THE TERM OF CONDITIONAL AGREEMENT; AND

D) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION; AND

E) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION

Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2020-0255 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation over to Joel Valenzuela, Director, Maritime, to discuss the presentation outline, provide a general project overview, and review the TAMT Redevelopment Plan and the Mitsubishi project overview. Mr. Valenzuela then turned the presentation over to Peter Eichar, Senior Planner, Planning and Green Port, to address details of the project and the environmental review process. Mr. Eichar then turned the presentation over to Dr. Jasna Tomic, Calstart, to provide a brief overview of the zero emission feasibility study, review the feasibility metrics analyzed, and review the results and recommendations from that effort. Dr. Tomic then turned the presentation back to Mr. Eichar to provide the project summary and staff recommendations.

Rebecca Harrington, Senior Deputy General Counsel; Matt McFalls, Air Quality Climate Change Expert, ICF; and Peter Eichar, then addressed the comment letters received from Environmental Health Coalition (EHC), and Coast Law Group that Commissioners received earlier, and provided responses based on technical and legal aspects of the letters.

The following member(s) of the public addressed the Board with agenda-related comments: organized presentation for Mitsubishi by Michael Jasberg, Marcia Baverman, and Maya Lopez Grasse, with time ceded by Valerie Martinez, Jeanette Flores, Jeff Green, Ryan Barnett, Austin Marshall, Paulina Martinez, and Isela Ayala; organized

presentation for Environmental Health Coalition by Diane Takvorian, David Flores and Danny Serrano, with time ceded by Angelica Estrada, Danielle Lewis, Allie Fen, Julie Corrales, Franco Garcia, Monserrat Hernandez, Lilia Escalante, and Angelica Alicia Estrada;

Voicemail comments: Alicia Sanchez; Angelica Ramirez; Anthony Soniga, President, ILWU Local 29; Ashley Tovar; Carla Navar; Elizabeth Wang; Elizabeth; Evangelina Trapero; Francisco Hernandez; Gerald Royce; Engelberto Macias; Jezabel Lara; Jim O'Callahan, South County EDC; Jordan Marks, San Diego County Hispanic Chamber of Commerce; Margarita Garcia; Margarita Moreno; Maria Banuelas; Maria se Villanueva; Marissa Garcia; unknown resident--name not provided; Sandy Naranjo, Mothers Out Front; Arely Santillan; and Silvia Calzada.

Live comments: Jack Monger; Sharon Cloward with time ceded by Corchelle Worsham; Anthony White; Ricardo Villa, San Diego County Hispanic Chamber of Commerce; and Patrick McDonough.

Vice Chair Zucchet, Commissioner Bonelli, Commissioner Malcolm, Commissioner Castellanos, Commissioner Valderrama, Commissioner Merrifield, provided comments and asked clarifying questions. Job Nelson, Peter Eichar, and Rebecca Harrington responded.

Vice Chair Zucchet made a motion, seconded by Commissioner Bonelli, to send this item back to staff and direct them, and Mitsubishi Cement Corporation, to develop clear, measurable, demonstrable, requirements for zero emission vehicles for this project beginning now and not defer to future analysis, or lengthy process, and return this item to the Board. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

Commissioner Valderrama took the floor and requested to confer with staff to see if the remaining action items can be continued to the December 28, 2020 Special Board Meeting due to the late hour.

It was decided that Item 14 - File No. 2020-0242 (Fifth Avenue Landing Project) and Item 13 - File No. 2020-0409 (Proposed January agenda listing) could be continued to the December 28, 2020 Board meeting.

13. [2020-0409](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY 12, 2021 MEETING

This item was continued to the December 28, 2020 Board meeting.

PUBLIC HEARING AGENDA**14. [2020-0242](#) FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT**

A) PRESENTATION AND DIRECTION TO STAFF ON THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT; AND/OR

B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING THE FILING OF THE NOTICE OF DETERMINATION FOR THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT AND ADOPTING THE PHASE I ONLY MARINA ALTERNATIVE (ALTERNATIVE 4) OF THE FINAL ENVIRONMENTAL IMPACT REPORT AS THE APPROVED PROJECT; AND

C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AS AMENDED TO REFLECT THE PHASE I ONLY MARINA ALTERNATIVE, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

This item was continued to the December 28, 2020 Board meeting.

15. [2020-0397](#) SAN DIEGO BAY NATIVE OYSTER LIVING SHORELINE PILOT PROJECT: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AND DIRECT FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

The Board did not require a staff presentation for this item.

Vice Chair Zucchet opened the public hearing.

The following member(s) of the public addressed the Board with agenda-related comments: Evyan Sloan, California State Coastal Conservancy.

Vice Chair Zucchet closed the public hearing.

The Board did not provide any comments.

On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-118. The motion carried by the following vote:

Yeas: 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

16. [2020-0417](#) OFFICER'S REPORT

MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

None to Report

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC POLICY NO. 106:

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

None to Report

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Thursday, December 10, 2020

10:00 AM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Malcolm was excused until he arrived.

Officers Present: Morales and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0421](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, December 14, 2020

2:00 PM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Malcolm and Commissioner Zucchet were excused until they arrived.

Officers Present: Morales and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0425](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Friday, December 18, 2020

9:00 AM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Commissioner Malcolm and Commissioner Merrifield were excused until they arrived.

Officers Present: Morales and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0422](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, December 28, 2020

9:00 AM

Virtual Meeting

Special Closed Session

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Morales, and Russell

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

CLOSED SESSION

Thomas A. Russell, General Counsel, announced the Closed Session items as follows:

1. [2020-0439](#) Closed Session Item No. 1

**PUBLIC EMPLOYEE APPOINTMENT:
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER
Government Code Section 54957**

To be effective upon future retirement of Executive Director/President/Chief Executive Officer.

After the conclusion of the meeting, General Counsel Russell reported that the board directed that an employment agreement for the appointment of Joseph Stuyvesant as Executive Director/President/Chief Executive Officer be placed on the open session agenda for consideration by the board at the next regular meeting of the Board of Port Commissioners.

2. [2020-0436](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Chula Vista Bayfront parcel consisting of approximately 74.7 acres of land at H Street and Marina Parkway, Chula Vista

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;
City of Chula Vista - Gary Halbert;
SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook and Sean Jones.

Under Negotiations: Price and Terms

No reportable action was taken on this item.

3. [2020-0437](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

CPUC Proceeding A.20-12-009: APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) FOR AUTHORITY TO IMPLEMENT THE LONG-TERM MARITIME RATE FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S CRUISE SHIP TERMINAL ACCOUNT

The Board authorized staff to formally support SDG&E's application to implement the long-term maritime rate for the District's Cruise Ship Terminal by participating in administrative proceedings before the California public Utilities Commission.

4. [2020-0438](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9

One (1) Case

No reportable action was taken on this item.

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, December 28, 2020

10:00 AM

Virtual Meeting

Special Meeting

A. Roll Call.

Present: 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

Excused: 0

Absent: 0

Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell

B. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that during the Closed Session the Board considered the items on the published Closed Session Agenda, and stated that no reportable action was taken on those items. General Counsel Russell stated that the Board will continue considering the items on the Closed Session Agenda at the conclusion of this meeting.

After the conclusion of the meeting, General Counsel Russell reported that the board directed that an employment agreement for the appointment of Joseph Stuyvesant as Executive Director/President/Chief Executive Officer be placed on the open session agenda for consideration by the board at the next regular meeting of the Board of Port Commissioners.

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: None

D. District Clerk's Announcements.

The District Clerk had no announcements.

CONSENT AGENDA

Commissioner Castellanos recused himself from Consent Agenda Item 2 - File No. 2020-0427 because of a relationship that one of his law partners had with one of the involved parties. Commissioner Castellanos did not participate in that item.

Chair Moore then asked for a motion with respect to Consent Agenda Items numbers one through five except number two.

Commissioner Malcolm provided comment on Consent Item 1 - File No. 2020-0420 prior to the vote.

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the remaining Consent items thereby adopting Resolution 2020-119, Ordinance 2987, Item No. 3 - File No. 2020-0426, Resolution 2020-120, and Resolution 2020-121. The motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2020-0420](#) RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTERESTS FROM HII SAN DIEGO SHIPYARD INC. TO HELIOS ACQUISITION, LLC, WHICH WILL BE RENAMED CONTINENTAL MARITIME OF SAN DIEGO, LLC UPON THE EFFECTIVENESS OF THE ASSIGNMENT

ORDINANCE GRANTING AMENDED AND RESTATED LEASE TO HELIOS ACQUISITION, LLC, WHICH WILL BE RENAMED CONTINENTAL MARITIME OF SAN DIEGO, LLC, FOR CONTINUED OPERATION OF A SHIPYARD AT 1995 BAYFRONT STREET IN SAN DIEGO

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-119 and Ordinance 2987 as part of the Consent Agenda.

3. [2020-0426](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY, 2021 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Item No. 3 - File No. 2020-0426 as part of the Consent Agenda.

4. [2020-0430](#) RESOLUTION AUTHORIZING AGREEMENT FOR AMENDMENT OF EXCLUSIVE NEGOTIATING AGREEMENT AMENDMENT NO. 1 BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND 1HWY1, LLC FOR THE PROPOSED REDEVELOPMENT OF 70-ACRES OF LAND AND WATER IN THE CENTRAL EMBARCADERO

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-120 as part of the Consent Agenda.

5. [2020-0434](#) RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' JANUARY MEETING DATE FOR CALENDAR YEAR 2021

On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2020-121 as part of the Consent Agenda.

2. [2020-0427](#) ORDINANCE GRANTING A 23-YEAR TERM EXTENSION FOR A NEW 40-YEAR LEASE BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND SUNROAD MARINA PARTNERS, L.P. FOR THE SUNROAD RESORT MARINA LOCATED AT 955 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO

On a motion by Commissioner Valderrama, seconded by Commissioner Merrifield, the Board adopted Ordinance 2988 as part of the Consent Agenda.

Yeas: 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Castellanos

ACTION AGENDA

6. [2020-0443](#) MUNICIPAL SERVICES AGREEMENTS:

(A) RESOLUTION AUTHORIZING A 10-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF IMPERIAL BEACH FOR LAW ENFORCEMENT, FIRE, EMERGENCY MEDICAL, LIFEGUARD, ANIMAL CONTROL, AND MAINTENANCE SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF IMPERIAL BEACH

(B) RESOLUTION AUTHORIZING A 10-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CHULA VISTA

(C) DIRECT STAFF TO NEGOTIATE MUNICIPAL SERVICES AGREEMENTS WITH SAN DIEGO, NATIONAL CITY, AND CORONADO AND PROVIDE OTHER DIRECTION TO STAFF AS NEEDED

Shaun Sumner, Vice President of Real Estate, Engineering, and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 6 - File No. 2020-0443 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related

comments: None

Commissioner Zucchet, Commissioner Malcolm, Commissioner Merrifield, Commissioner Valderrama, Commissioner Bonelli, Commissioner Castellanos, and Chair Moore provided comments and asked clarifying questions.

Shaun Sumner; David Jones, Deputy General Council; Andy Hall, City Manager, City of Imperial Beach responded.

Commissioner Zucchet made a motion to move the Resolution as Amended by a \$100,000.00 reduction, capture the discussion with respect to language of the baseline resets, and direction to staff regarding part (C) of Item 6 - 2020-0443. Commissioner Merrifield seconded the motion.

Chair Moore made a friendly amendment with respect to the engagement with consultants, suggesting that the hiring of a consultant should be brought back to the Board with respect to the scope of service. Chair Moore also made a friendly amendment to the motion adding language to the MSA that grants the City of Chula Vista the ability to terminate the contract within the first three years.

Commissioner Malcolm made a friendly amendment to push back the date of the baseline reset for the City of Imperial Beach until 2023 due to the City's budget cycle.

Commissioner Zucchet and Commissioner Merrifield accepted the friendly amendments.

The amended motion carried by the following vote:

Yeas: 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

7. [2020-0435](#) PRESENTATION ON THE SAN DIEGO PORT TENANTS ASSOCIATION REQUEST FOR ADDITIONAL RENT RELIEF AND DIRECTION TO STAFF, AS NECESSARY

Tony Gordon, Director of Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 7 - File No. 2020-0435 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward with time ceded by Corchelle Worsham.

Commissioner Malcolm, Commissioner Merrifield, Commissioner Castellanos, Commissioner Valderrama, Commissioner Zucchet, Commissioner Bonelli, and Chair Moore provided comments and asked clarifying questions.

Tony Gordon responded.

This Presentation was direction to staff, item to return to Board.

PUBLIC HEARING AGENDA

8. [2020-0424](#) FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT

A) PRESENTATION AND DIRECTION TO STAFF ON THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT; AND/OR

B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING THE FILING OF THE NOTICE OF DETERMINATION FOR THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT AND ADOPTING THE PHASE I ONLY MARINA ALTERNATIVE (ALTERNATIVE 4) OF THE FINAL ENVIRONMENTAL IMPACT REPORT AS THE APPROVED PROJECT; AND

C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AS AMENDED TO REFLECT THE PHASE I ONLY MARINA ALTERNATIVE, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

Wileen Manaiois, Director of Development Services; Megan Hamilton, Associate Planner; Rebecca Harrington, Senior Deputy General Counsel, and Lucy Contreras, Program Manager, Real Estate, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 8 - File No. 2020-0424 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Mark Stevens, Downtown San Diego Resident.

Charles Black, Fifth Avenue Landing, addressed the Board with a presentation regarding Public Hearing Agenda Item 8 - File No. 2020-0424 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Commissioner Castellanos, Commissioner Zucchet, Commissioner Malcolm, Chair Moore, Commissioner Valderrama, Commissioner Bonelli, and Commissioner Merrifield provided comments and asked clarifying questions.

Lucy Contreras; Rebecca Harrington; Wileen Manaiois; Charles Black; and Kevin Heinly,

Fifth Avenue Landing, responded.

Commissioner Castellanos made a motion to not adopt a resolution certifying the final EIR, nor adopting the findings of fact, nor the statement of overriding considerations, nor adopting the mitigation monitoring and reporting program, nor directing the filing of the notice of determination for the Fifth Avenue Landing Project and Port Master Plan Amendment. The motion carried by the following vote:

Yeas: 5 - Bonelli, Castellanos, Merrifield, Moore, and Zucchet

Nays: 2 - Malcolm, and Valderrama

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Rafael Castellanos

*Secretary, Board of Port Commissioners
San Diego Unified Port District*

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District