



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Special Meeting Minutes

### Board of Port Commissioners

---

Tuesday, January 19, 2021

10:00 AM

Virtual

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairperson 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*

#### CLOSED SESSION

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

1. [2021-0015](#) Closed Session Item No. 1

#### 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.*

2. [2021-0016](#) 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.*

3. [2021-0021](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: 100,707 square feet of land area and 31,792 square feet of water area located at 2150 Harbor Island Drive, San Diego, CA 92101

Negotiating Parties:

Shelter Island, Inc. dba Tom Ham's Lighthouse - Susan Baumann  
SDUPD - Taylor Stack, James Hammel, Andrea Ormerod, Annette Dahl,  
Chris Hargett and Tony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0020](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: 35,189 square feet of water area and 33,530 square feet of land area located at 2230 Shelter Island Drive, San Diego, CA 92106

Negotiating Parties:

Shelter Island, Inc. dba Shelter Island's Bali Hai - Susan Baumann  
SDUPD - Taylor Stack, James Hammel, Andrea Ormerod, Annette Dahl,  
Chris Hargett and Tony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

5. [2021-0017](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: 24,108 square feet of land and building area located at 750  
North Harbor Drive, San Diego, CA 92101

Negotiating Parties:

Fish Market Restaurants, Inc. dba Fish Market - Dwight Colton and Richard  
Ledford

SDUPD - Taylor Stack, James Hammel, Andrea Ormerod, Annette Dahl,  
Chris Hargett and Tony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

6. [2021-0018](#) Closed Session Item No. 6

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: 94,778 square feet of water area, 11,625 of pier area, and 168  
square feet of land area located at 1800 North Harbor Drive, San Diego,  
CA 92101

Negotiating Parties:

Hornblower Yachts, Inc. dba Hornblower Cruises & Events - Kevin Lorton  
and Richard Ledford

SDUPD - Taylor Stack, James Hammel, Andrea Ormerod, Annette Dahl,  
Chris Hargett and Tony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

7. [2021-0019](#) Closed Session Item No. 7

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: 36,180 square feet of water area and 366 square feet of land  
area located at 990 North Harbor Drive, San Diego, CA 92101

Negotiating Parties:

Star & Crescent Boat Company dba Flagship Cruises & Events - Brad Engel  
SDUPD - Taylor Stack, James Hammel, Andrea Ormerod, Annette Dahl, Chris Hargett and Tony Gordon

Under Negotiations: Price and Terms

*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, January 19, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairperson Zucchet

**Excused:** 0

**Absent:** 0

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

*Chairman Zucchet began the meeting by acknowledging the break from tradition as the Port will not be holding the January swearing in event for 2021. Chairman Zucchet added that the Port hopes to be able to hold an in-person event this summer, with an update on the "State of the Port" at that time.*

*Chairman Zucchet also welcomed the new Port Commissioners: Sandy Naranjo, who was appointed by the City of National City; and Jennifer LeSar, who was appointed by the City of San Diego. Chairman Zucchet also congratulated Commissioner Castellanos on his re-appointment by the City of San Diego.*

*Chairman Zucchet then turned the floor to former Port Chair Moore to speak about the accomplishments of 2020. Commissioner Moore shared highlights and significant events from 2020, thanked staff, Port tenants, and her fellow Commissioners for all their hard work this past year. She welcomed the new Commissioners Sandy Naranjo and Jennifer LaSar to the Board, and congratulated Commissioner Castellanos on his reappointment. Commissioner Moore bid farewell to Commissioners Valderrama and Merrifield and thanked them both for their incredible service over the years. She then announced Jason Giffen, Vice President, Planning, Environment and Government Relations, as the recipient of the 2020 Chairman's Cup Award.*

*Chairman Zucchet thanked Commissioner Moore for her leadership during 2020.*

*Chairman Zucchet then spoke about the look ahead for 2021; he outlined the priorities, the areas of focus, and initiatives for the Port for the upcoming year.*

**SPECIAL ORDER OF THE DAY**

1. [2021-0006](#) RESOLUTION AUTHORIZING PROCLAMATION AND APPOINTING ROBERT "DUKIE" VALDERRAMA AS COMMISSIONER EMERITUS EFFECTIVE JANUARY 3, 2021

*Commissioner Malcolm, Commissioner Naranjo, Commissioner Bonelli, Chairman Zucchet, and Commissioner Castellanos thanked Commissioner Valderrama as the "Dean of the Port" for his many years of generous and selfless service. He has been a role model, as well as opened the door for so many. He will be greatly missed.*

*Commissioner Emeritus Valderrama thanked everyone for their words. He has enjoyed all 16 years of serving on the Board of Port Commissioners. He wanted to specifically thank Commissioner Services staff, Margret Hernandez, Julie Waterman, Ellinore Giacinto, and Donna Morales (as well as so many others in Commissioner Services over the years) for all that they do to keep the Commissioners organized. Commissioner Valderrama then spoke to the Board, when making decisions--all he asks--make sure it's a win for the Port, a win for the tenants, and especially a win for the community.*

*¡Adiós mis amigos!*

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-001 Authorizing Proclamation and Appointing Robert "Dukie" Valderrama as Commissioner Emeritus Effective January 3, 2021. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

2. [2021-0007](#) RESOLUTION AUTHORIZING PROCLAMATION AND APPOINTING MARSHALL MERRIFIELD AS COMMISSIONER EMERITUS EFFECTIVE JANUARY 3, 2021

*Commissioner Bonelli, Chairman Zucchet, Commissioner LeSar, Commissioner Castellanos, Commissioner Malcolm, and Commissioner Moore, thanked Commissioner Merrifield for his enthusiasm, and passion for issues on behalf of the Port. The Commissioners also thanked him for his mentorship and friendship, and expressed their appreciation for his pragmatism, business acumen, and impressive ability for out-of-the-box thinking.*

*Commissioner Emeritus Merrifield echoed Commissioner Valderrama's thanks to Port staff and Commissioner Services for their work. Commissioner Merrifield also thanked Commissioner Valderrama for being a wonderful teacher. He thanked everyone for their kind words, and stated it has been an honor serving the Port, and working together to build the economic engine around the San Diego bay in an environmentally responsible*

way. He can't wait to see how the electric vehicle initiative and Tenth Avenue Marine Terminal Microgrid project work out. "Entrepreneur and public servant signing off".

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-002. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 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.**

*No Board committee reports were provided.*

## **E. Commissioners' Reports.**

*No Commissioner reports were provided.*

## **F. President's Report.**

*Randa Coniglio, President/CEO, announced that she has a couple of employee recognitions today.*

*Ms. Coniglio shared that the first employee being recognized today is retiring after 30 years with the Port. She then invited Chief Mark Stainbrook to recognize Kathy Fischer, Assistant to Vice President (also known as The Chief's Assistant) for her 30 years of serving with an extreme attention to duty, unquestioned loyalty, effervescent personality, and eternally positive attitude. Chief Stainbrook presented Ms. Fischer with the San Diego Harbor Police Distinguished Service Medal. Ms. Fischer expressed her gratitude and stated that it was such an honor being a part of the Harbor Police department.*

*Ms. Coniglio then recognized Ignacio "Nacho" Sobers for his 28 years of service. Nacho was the "go to person" for all things at the Administration Building for employees, he was also the main point of contact for all contractors that came to do work at the building, and he always greeted everyone with a smile. Ms. Coniglio then invited Marco Cromartie, Director, General Services, to say a few words. Mr. Cromartie thanked Nacho for being the "behind the scenes" person that made magic happen, and added that Nacho will be*

sorely missed. Nacho spoke and thanked everyone, and added that he was extremely blessed, he is grateful that God provided him the job at the Port of San Diego so he could provide for his family and be a more successful human being.

Ms. Coniglio then provided an update regarding COVID-19. Ms. Coniglio explained that the Port continues to closely monitor the COVID situation and its impacts on the Port and the region. The Port's Executive Leadership Group continues to meet twice a week for regular updates and to provide direction on COVID-related matters. Additionally, in response to the Governor's latest stay at home order in December, the Port resumed the Emergency Operations Center as a proactive measure. The Emergency Operations Center is made up of a cross-departmental team who prepare for emergency operations and business continuity as necessary. Since the start of the pandemic, the Port has had 51 employees across the Port who have tested positive for COVID. Ms. Coniglio added that she was pleased to report that to date, most have made a full recovery, and she wishes all the best to everyone who is still recovering. The County Office of Public Health has put protocols in place regarding the distribution of the COVID vaccine, starting with health care workers and first responders. Thirty four of the Port's Harbor Police Officers have been able to receive the vaccine so far, with more to follow. Additionally, this week the Port will begin surveying the rest of the workforce for their interest in receiving the vaccine. The Port wants to ensure that when the opportunity is made available, all our Port staff who desire to do so, will be able to get vaccinated.

## G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that as required by the Brown Act and directed by the Board of Port Commissioners, she is reporting that on today's agenda is an item taking final action to approve the employment agreement for the President/CEO of the San Diego Unified Port District. Additional information can be found in the agenda prepared for that item.

Ms. Morales then added that additional agenda-related materials were received for the following items: Special Order of the Day Item 1 - File No. 2021-0006; and Action Item 13 - File 2020-0355.

Additionally, the Board will consider staff's request to continue the following items to a future Board meeting: Consent Agenda Item 5 - File No. 2021-0005.

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0



**APPROVAL OF MINUTES**

[2021-0030](#) Approval of minutes for:

December 1, 2020 - CLOSED SESSION  
December 7, 2020 - PMPU WORKSHOP  
December 8, 2020 - CLOSED SESSION  
December 8, 2020 - BPC MEETING  
December 10, 2020 - CLOSED SESSION  
December 14, 2020 - CLOSED SESSION  
December 18, 2020 - CLOSED SESSION  
December 28, 2020 - CLOSED SESSION  
December 28, 2020 - SPECIAL BPC MEETING

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

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 1 - LeSar

**Recused:** 0

**CONSENT AGENDA**

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Ordinance 2989, Resolution 2021-003, Resolution 2021-004, Resolution 2021-005, Resolution 2021-006, Resolution 2021-007, and Resolution 2021-008.**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

3. [2020-0269](#) A) ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$1,250,000 FOR AN INCREASE TO THE U.S. COAST GUARD PHASE II TENANT IMPROVEMENTS PROJECT TO BE FUNDED FROM THE OPERATING RESERVES. UPON COMPLETION OF THE PROJECT, OPERATING RESERVES WILL BE REPLENISHED FROM THE COAST GUARD/GENERAL SERVICES ADMINISTRATION (GSA) REIMBURSEMENT OF \$844,308

B) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-38 TO SOLTEK PACIFIC CONSTRUCTION IN THE AMOUNT OF \$2,889,091 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 following member(s) of the public addressed the Board with agenda-related comments: Captain Eric Cooper, U.S. Coast Guard.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Ordinance 2989 and Resolution No. 2021-003 as part of the Consent Agenda.**

4. [2020-0282](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-04 TO SIERRA PACIFIC WEST, INC. IN THE AMOUNT OF \$886,616.33 FOR THE SITE H-23 PHASE 2 GRADING PROJECT, A COMPONENT OF THE SOUTH CAMPUS PAVEMENT AND DEMOLITION PROJECT IN THE CHULA VISTA BAYFRONT, AS AUTHORIZED BY THE BOARD IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM, CONDITIONED ON FUTURE EXECUTION OF AN EASEMENT AGREEMENT WITH PACIFICA COMPANIES

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-004 as part of the Consent Agenda.**

5. [2021-0005](#) SHELTER ISLAND YACHTWAYS, LTD., DBA SHELTER ISLAND BOATYARD LOCATED AT 2330 AND 2390 SHELTER ISLAND DRIVE, SAN DIEGO:
- A) RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM SHELTER ISLAND YACHTWAYS, LTD. DBA SHELTER ISLAND BOATYARD TO SHM SHELTER ISLAND, LLC.
- B) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SHELTER ISLAND LLC., TO UPDATE TO CURRENT LEASE TERMS.

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.     [2020-0405](#)     RESOLUTION AUTHORIZING AGREEMENT AND PURCHASE ORDER WITH CARAHSOFT TECHNOLOGY CORPORATION FOR DOCUSIGN LICENSING AND ENTERPRISE PREMIER SUPPORT SERVICES WITH FIVE-YEAR TOTAL COST OF OWNERSHIP NOT TO EXCEED \$660,603.15. EXPENDITURES FOR FY2021 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 Bonelli, the Board adopted Resolution 2021-005 as part of the Consent Agenda.
7.     [2020-0416](#)     RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2020/2021  
  
On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-006 as part of the Consent Agenda.
8.     [2021-0003](#)     RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CEO)  
  
On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-007 as part of the Consent Agenda.
9.     [2021-0022](#)     RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT FOR LEGAL SERVICES WITH ORRICK, HERRINGTON & SUTCLIFFE LLP INCREASING THE MAXIMUM AMOUNT BY \$249,450 FROM \$1,006,400 to \$1,255,850; FY 2021 EXPENDITURES ARE BUDGETED  
  
On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-008 as part of the Consent Agenda.

## **ACTION AGENDA**

10.    [2020-0400](#)     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. 2020-0400 (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 Malcolm, and Chairman Zucchet provided comments and asked clarifying*

questions. Mr. DeAngelis responded.

**11. [2020-0408](#) PRESENTATION ON 2021-2022 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND DIRECTION TO STAFF**

*Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0408 (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 Jonathan Clay, Carpi & Clay, Port Lobbyist in Sacramento, to discuss the upcoming environment at the state. Mr. Clay then turned the presentation over to David Yow, Legislative Policy Administrator, Government and Civic Relations to discuss the proposed priorities for 2021. Mr. Yow then turned the presentation back to Mr. Nelson to close the presentation.*

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

*Commissioner LeSar, Commissioner Castellanos, Commissioner Naranjo, and Chairman Zucchet provided comments and asked clarifying questions. Mr. Nelson responded.*

**12. [2021-0010](#) PRESENTATION AND UPDATE ON THE DISTRICT'S BLUE ECONOMY INCUBATOR INCLUDING THE SECOND EDITION OF THE BLUE ECONOMY INCUBATOR HIGHLIGHTS REPORT**

*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0010 (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 Eileen Maher, Director, Environmental Conservation, to present the updates made to the Blue Economy webpage on the Port's public website, and to provide a virtual tour of the three recently approved and deployed pilot projects. Ms. Maher then turned the presentation over to Philip LeBlanc, Consultant, to continue virtual tour of pilot projects, and discuss the second edition of the Blue Economy Incubator Highlights Report. Mr. Leblanc then turned the presentation back to Mr. Giffen to close the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: David Lloyd, CEO & Co-Founder, FREDsense Technologies; Sergio Albino, ecoSPEARS; and Ido Sella, EConcrete.*

*Commissioner Castellanos and Commissioner Malcolm provided comments.*

**13. [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**

*Chief Mark Stainbrook, Harbor Police Department, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2020-0355 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Chief Stainbrook then turned the presentation over to Ellen Gross, Assistant General Counsel, to discuss the current and proposed Charter operations regulations, the permitting framework, insurance requirements, and next steps for implementing the ordinance.*

*The following member(s) of the public addressed the Board with agenda-related comments: Frank Ursitti, H & M Landing; Sharon Cloward, President, San Diego Port Tenants Association, on behalf of Frank Lopreste, President, Fisherman's Landing; Andy Kurtz, Seaforth Boat Rentals; Lance Carter, Harbor Island Yacht Club; Ken Manzoni, Adventuress Luxury Catamaran; Steve Pinard, Action Beach & Bay Rentals; Troy Sears, Next Level Sailing; and Tyler Peters, Luxury Jet Ski Rentals.*

*Chairman Zucchet provided opportunity for staff to respond to the public, Ms. Gross, Simon Kann, Deputy General Counsel responded. Chairman Zucchet invited Frank Ursitti to respond to staff remarks.*

*Commissioner Malcolm, Chairman Zucchet, Commissioner Bonelli, and Commissioner Castellanos, provided comments and asked clarifying questions. Ms. Gross; Annette Dahl, Department Manager, Real Estate; Chief Stainbrook; and Thomas A. Russell, General Counsel, responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm the Board continued the item until the March Board meeting and directed staff to work with the stakeholders one more time before bringing the item back to the Board. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**14. [2021-0001](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 11, 2021 MEETING**

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the proposed February agenda. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**OFFICER'S REPORT****15.     [2021-0023](#)     OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2020-20 - \$780.00 Decrease & 30 Calendar Day Time Reduction thru 12-02-20

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 San Diego Mooring Company, LLC for Grape Street Float Rehab District Project, for total amount \$2,786.00

B) Request for User Fee Waiver Form from KIGT, Inc. for EV Charging Installation at the San Diego Convention Center, for total amount \$1,800.00

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

*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, February 11, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairperson Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, and Stuyvesant*

#### 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. [2021-0093](#) Closed Session Item No. 1

PUBLIC EMPLOYEE APPOINTMENT:  
PORT AUDITOR  
Government Code Section 54957

*After the conclusion of the meeting, General Counsel Russell reported that the board directed that an employment agreement for the appointment of Mark Yeilding as Port Auditor be placed on the open session agenda for consideration by the board at the next regular meeting of the Board of Port Commissioners.*

2. [2021-0094](#) Closed Session Item No. 2

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.*

*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

---

Thursday, February 11, 2021

1:00 PM

Virtual Meeting

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairperson Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present DeAngelis, Medina, Morales, Russell, and Stuyvesant*

#### B. Closed Session Report Out.

*Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda.*

*After the conclusion of the meeting, General Counsel Russell reported that the board directed that an employment agreement for the appointment of Mark Yeilding as Port Auditor 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: Staci Plikaytis; Margarita Bellah; Dave Engel; Liz Jacobelly; Peter Flournoy, American Tunaboat Association; Amrit Shergill; Levi; Barbara Lafaver; Kathleen Kastner; Michelle Walther; Peter Halmay, President, San Diego Fishermen's Working Group; and David Flores, Senior Policy Advisor for Land Use and Environmental Justice, Office of Vice Chair Nora Vargas at County of San Diego.*

#### D. Board Committee Reports.

*No Board committee reports were provided.*

#### E. Commissioners' Reports.

*Commissioner LeSar began by thanking Chairman Zucchet for her committee assignments to the World Trade Center Board, the Accessibility Committee, and the San Diego Economic Development Corporation (SDEDC). Commissioner LeSar shared that she attended her first SDEDC meeting. Part of the discussion was on the SDEDC's efforts to lift an inclusive economy focusing on procurement, and helping the region understand the amount of procurement activity that serves San Diego's small and diverse*

*businesses. There are many anchor institutions that are part of the effort to document what the procurement dollars are in the region, the information collected from the anchor institutions is used to understand and set common metrics in support of the efforts to promote a more inclusive economy. Commissioner LeSar has spoken with President/CEO Joe Stuyvesant about exploring how the Port might join as an anchor institution.*

## **F. President's Report.**

*Joe Stuyvesant, President/CEO, began by sharing he is appreciative and excited to join the Port Team and he is looking forward to working with the many stakeholders on the tidelands.*

*Mr. Stuyvesant then turned the presentation over to Karen Holman, Director, Environmental Protection, to remember John Anderson, Site Cleanup Program Manager of the San Diego Regional Water Quality Control Board. Ms. Holman shared that Mr. Anderson recently passed away from cancer. Mr. Anderson was an amazing geologist and had tremendous influence on improving the waters and sediments in San Diego. His contributions to water quality in the region are far reaching and profound. San Diego has lost a wonderful steward, he was a friend of the Bay and a friend of the Port. On behalf of the Port, Ms. Holman sends prayers and condolences to Mr. Anderson's family and the San Diego Regional Water Quality Control Board staff.*

*Mr. Stuyvesant then recognized Randa Coniglio, on her retirement as President/CEO for the Port. Ms. Coniglio began her career at the Port in the Real Estate department on May 1, 2000 as a Senior Asset Manager and progressed through the department, becoming an Area Real Estate Manager in 2004 and in 2008 the Director of Real Estate. Some highlights from her many projects in the Real Estate department include:*

- Port liaison lead for all Superbowl related events/venues for Superbowl XXXVII, San Diego's very first Superbowl*
- The Historic Waterfront and Old Police Station Projects, which in later years would become The Headquarters*
- Real Estate lead for the Chula Vista Bayfront Master Plan and the South Bay Powerplant projects*
- In December 2010 Randa was promoted to Vice President, Operations/Chief Operating Officer and the next year to Executive Vice President.*

*Ms. Coniglio has been known throughout her career at the Port for her excellent communication skills, her ability to build relationships and her commitment to the organization. On June 18, 2015 Ms. Coniglio was appointed as the President/Chief Executive Officer of the Port after a nationwide search, making her the first woman CEO in the Port's history. As CEO she will be remembered for her commitment to the community, stakeholders and employees. She calls employees her "port family" and her tagline, we do the greatest good by doing remarkably well, has been a reminder to employees that the better we do as an organization, the more we can give back to the community.*

*Commissioner Malcolm, Commissioner Castellanos, Commissioner Moore, Commissioner Bonelli, and Chairman Zucchet thanked Ms. Coniglio for everything she has done for the Port. The Commissioners remarked that she is one of the best and most consequential President/CEO's the Port has had, and she has led the Port through some of the biggest deals with enthusiasm, a spirit of optimism, and a great sense of humor. Ms. Coniglio served a major role in moving the Chula Vista Bayfront project forward. She brought stability to the Port when it was sorely needed and has been an*

*outstanding leader by personally living and communicating very well the value of the employees, and that she genuinely cared about every employee at the Port. She will be greatly missed.*

*Ms. Coniglio thanked everyone for their kind words and generous praise, she stated she is grateful that the Board took a chance on her--it was a wonderful adventure--she is also grateful for the unwavering support of the Commissioners as President/CEO over the years. She is also very grateful that the Board selected Joe Stuyvesant to succeed her as President/CEO. The Board's choice of Mr. Stuyvesant has allowed her to leave with peace of mind, as he is someone that she respects, admires and trusts. Ms. Coniglio has complete confidence in leaving her Port family in Joe's care. Ms. Coniglio also wanted to publicly state how blessed and privileged she feels to have worked along-side such professional, hardworking, bright, people over the past two decades. She is looking forward to all the brilliant things the Port will accomplish together (like a proud parent on the sidelines).*

*Mr. Stuyvesant then invited Ms. Coniglio to recognize Denise Buth on her retirement. Ms. Coniglio shared that she is delighted that her "last act" on her way out the door to retirement is to be able to recognize a very deserving person who is retiring along with her. Ms. Buth was hired on January 28, 2000, she started at the Port as an Administrative Assistant II, and has supported many executives as well as the Commissioners over her 20-years with the Port of San Diego. Ms. Buth has a great sense of humor, and was always willing to help others. Ms. Coniglio added that she is a lovely person that always has a smile on her face, and she treats everyone with the same level of respect--and has performed that way for 20 years. Ms. Coniglio appreciated her shining light on the 7th floor and all around the Port. Ms. Coniglio congratulated Ms. Buth on her retirement and wished her the very best.*

*Ms. Buth thanked Ms. Coniglio for her kind words, and stated that the feeling is mutual. Ms. Buth stated that it has been a honor working for the Port, and remarked that for anyone coming in at entry level, she is proof that people can work their way up to the Executive Offices. Ms. Buth added that she is sorry she had to remove the candy dish when she emptied out her office. She stated she will miss everyone, and she closed by thanking everyone at the Port.*

*Mr. Stuyvesant then reported that the Port continues to closely monitor the COVID situation and its impacts on the Port and the region. The Executive Leadership Group continues to meet on a regular basis to provide direction on COVID-related matters. Since the start of the pandemic, the Port has had 56 employees across the Port who have tested positive for COVID, which is an increase of 5 since the last Board meeting. Mr. Stuyvesant added that he is pleased to report that to date, most have made a full recovery. As you are aware, the distribution of the COVID vaccine has begun in San Diego County, and he is pleased to report that 57 of our Harbor Police Officers have been able to receive the vaccine. The Port is currently surveying the rest of our workforce for their interest in receiving the vaccine, and will be encouraging all to take the vaccine when it is made available.*

## **G. District Clerk's Announcements.**

*Donna Morales, District Clerk, announced that additional agenda-related materials were received by the Board for the following items: Item 9 - File No. 2021-0042, and Item 11 - File No. 2021-0032.*

## **APPROVAL OF MINUTES**

[2021-0084](#) Approval of minutes for:

January 19, 2021 - CLOSED SESSION

January 19, 2021 - BPC MEETING

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **CONSENT AGENDA**

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted the Consent Agenda, thereby adopting Resolution 2021-009; Resolution 2021-010; Ordinance 2990; Resolution 2021-011; Ordinance 2991; Resolution 2021-012; and Resolution 2021-013. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2020-0406](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO AGREEMENT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC dba FUELMAN FOR OFFSITE FUELING OF HARBOR POLICE DEPARTMENT AND DISTRICT VEHICLES. THIS AMENDMENT EXTENDS THE PERIOD OF SERVICE FROM APRIL 1, 2021 TO MARCH 31, 2022 AND INCREASES THE MAXIMUM AMOUNT PAYABLE BY \$190,000 FOR A NEW NOT TO EXCEED AMOUNT OF \$610,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2021 BUDGET. 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 LeSar, the Board adopted Resolution 2021-009 as part of the Consent Agenda.**

2. [2020-0413](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DAY WIRELESS SYSTEMS FOR REGIONAL COMMUNICATIONS SYSTEM RADIO AND DISPATCH CONSOLE EQUIPMENT MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000 FROM MARCH 1, 2021 THROUGH FEBRUARY 29, 2024. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2021 BUDGET. 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 LeSar, the Board adopted Resolution 2021-010 as part of the Consent Agenda.**
3. [2020-0431](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE SECTION 8.15 - PARKING REGULATIONS ENFORCEMENT TO BE COMPLIANT WITH REVISIONS TO THE INDIGENT PAYMENT PLAN REQUIREMENTS WITHIN CALIFORNIA VEHICLE CODE SECTION 40220 PURSUANT TO ASSEMBLY BILL 3277  
  
**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Ordinance 2990 as part of the Consent Agenda.**
4. [2021-0013](#) RESOLUTION AUTHORIZING AMENDMENT NO. 6 TO AGREEMENT WITH WINBOURNE CONSULTING LLC, TO PROVIDE PROJECT MANAGEMENT SERVICES FOR COMPUTER-AIDED DISPATCH SYSTEM REPLACEMENT, EXTENDING THE TERM AND INCREASING THE AGREEMENT AMOUNT BY \$100,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$438,245. 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 LeSar, the Board adopted Resolution 2021-011 as part of the Consent Agenda.**
5. [2021-0011](#) ORDINANCE GRANTING AMENDMENT NO. 5 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT TO ALLOW ADDITIONAL TIME TO DEVELOP A ZERO EMISSION VEHICLE

STRATEGY 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 LeSar, the Board adopted Ordinance 2991 as part of the Consent Agenda.

6. [2021-0040](#) RESOLUTION AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT TO ENTER INTO AN EASEMENT WITH NORTH C.V. WATERFRONT L.P., SUBJECT TO REASONABLE INDEMNITY PROVISIONS, AS APPROVED BY THE GENERAL COUNSEL, FOR THE IMPLEMENTATION OF THE H-23 PHASE 2 GRADING PROJECT LOCATED IN THE CITY OF CHULA VISTA

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution 2021-012 as part of the Consent Agenda.

7. [2021-0043](#) RESOLUTION AUTHORIZING AN INDEMNITY PURSUANT TO A RIGHT OF ENTRY LICENSE AGREEMENT WITH MARINE GROUP BOAT WORKS, LLC FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S IMPLEMENTATION OF UTILITY UPGRADES RELATED TO THE RESORT HOTEL & CONVENTION CENTER IN CHULA VISTA.

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution 2021-013 as part of the Consent Agenda.

## **ACTION AGENDA**

8. [2021-0012](#) 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 8 - File No. 2021-0012 (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*

*Chairman Zucchet provided comments and asked clarifying questions. Mr. DeAngelis and Joe Stuyvesant, President/CEO, responded.*

9. [2021-0042](#) RESOLUTION SUPPORTING THE COUNTY OF SAN DIEGO DEVELOPING A FRAMEWORK FOR A REGIONAL CARBON SUSTAINABILITY PLAN IN PARTNERSHIP WITH THE UNIVERSITY OF CALIFORNIA SAN DIEGO SCHOOL OF GLOBAL POLICY AND STRATEGY

*Philip Gibbons, Program Manager, Energy & Sustainability, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2021-0042 (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 Moore, Commissioner Naranjo, and Chairman Zucchet provided comments.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-014. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

10. [2021-0033](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO FOUNDATION TO ADVANCE A COLLABORATIVE PARTNERSHIP TO EXPLORE OPPORTUNITIES FOR PROGRAM ALIGNMENT AND INVESTMENT TO SUPPORT COASTAL ACCESS; CLIMATE INITIATIVES AND COASTAL RESILIENCY; ENVIRONMENTAL CONSERVATION AND STEWARDSHIP; ENVIRONMENTAL JUSTICE; AND A THRIVING, SUSTAINABLE WATERFRONT

*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2021-0033 (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 Candace Wo, San Diego Foundation, to provide an overview of the San Diego Foundation. Ms. Wo then turned the presentation over to Everett Au, San Diego Foundation, to provide overview of the San Diego Foundation's strategies to support environmental initiatives in the region. Mr. Au then turned the presentation to Eileen Maher, Director, Environmental Conservation, Port of San Diego, to discuss staff's recommendation and to close the presentation.*

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

*Commissioner Malcolm, Commissioner LeSar, Commissioner Castellanos, Chairman Zucchet provided comments. Mr. Giffen responded to Commissioner's comments.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-015. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet



Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

**11.     [2021-0032](#)     INFORMATIONAL PRESENTATION AND STATUS UPDATE ON THE DEVELOPMENT OF THE DISTRICT'S MARITIME CLEAN AIR STRATEGY**

*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2021-0032 (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 deeper dive into the contents of the MCAS. Mr. Hofreiter then turned the presentation to Maggie Weber, Senior Planner, to summarize the public engagement efforts. Ms. Weber then turned the presentation back to Mr. Hofreiter to present the status on each of the 7 sectors. Mr. Hofreiter then turned the presentation to Job Nelson, Chief Policy Strategist, to discuss next steps, the MCAS schedule overview, and to close the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Health Coalition; Sharon Cloward, President, San Diego Port Tenants Association; Andrea Swanson, Momentum; Liz Perez, GC Green; Silvia Calzada; Maritza Garcia; Dr. Stephanie Yoon; and Alicia Sanchez.*

*Commissioner Naranjo, Commissioner LeSar, Commissioner Castellanos, and Chairman Zucchet, provided comments and asked clarifying questions. Mr. Giffen, and Mr. Nelson responded.*

**12.     [2021-0041](#)     ORDINANCE AUTHORIZING:**

(A) AMENDED AND RESTATED JOINT COMMUNITY FACILITIES AGREEMENT WITH THE CITY OF CHULA VISTA FOR THE CHULA VISTA BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT, WITH CONDITIONS; AND

(B) THE VOTE OF THE DISTRICT IN FAVOR OF PROPOSITIONS A (LEVY OF SPECIAL TAXES AT RATES NOT TO EXCEED 5.5% OF RENT CHARGED ON HOTEL PROPERTY AND CAMPSITE PROPERTY) AND B (EXPANSION OF LOCATION OF IMPROVEMENTS AND SERVICES) RELATED TO THE CHULA VISTA BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT.

RESOLUTION AUTHORIZING:

(A) THIRD AMENDED AND RESTATED REVENUE SHARING AGREEMENT WITH THE CITY OF CHULA VISTA AND THE AUTHORITY, WITH CONDITIONS; AND

(B) SUPPORT AGREEMENT WITH THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY, WITH CONDITIONS, FOR THE PUBLIC FINANCING OF THE CONVENTION CENTER AND PHASE 1A IMPROVEMENTS IN THE CITY OF CHULA VISTA

*Chairman Zucchet invited Chula Vista Mayor Mary Casillas Salas to provide opening comments.*

*Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0041 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*No additional public comments were received.*

*Commissioner Moore, Commissioner Malcolm, Commissioner Castellanos, Chairman Zucchet, Commissioner LeSar, and Commissioner Bonelli, provided comments and asked clarifying questions. Thomas A. Russell, General Counsel responded.*

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Ordinance 2992. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-016; and Resolution 2021-017. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**13.     [2021-0002](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 9, 2021 MEETING**

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**OFFICER'S REPORT**

**14.     [2021-0085](#)     OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2020-23 with American Scaffold, Inc. - \$2,975.00 Increase

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

---

Tuesday, March 9, 2021

11:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding*

#### 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. [2021-0167](#) Closed Session Item No. 1

#### 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 - Joe Stuyvesant, Shaun Sumner, and Anthony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2021-0168](#) 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, March 9, 2021

1:00 PM

Virtual Meeting

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding*

#### 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: Jason Stack, STC Traffic, Inc. (Presentation re: San Diego Port Tenants Association Freight Signal Priority Project).*

#### D. Board Committee Reports.

*No Board committee reports were provided.*

#### E. Commissioners' Reports.

*Commissioner Naranjo provided a report on the AB 617 Portside Community Steering Committee. Commissioner Naranjo explained that the Port has been actively engaged in the region's AB 617 Community Air Protection Program for the Portside Community, which includes the communities of Barrio Logan, Logan Heights, Sherman Heights, and west side of National City. The San Diego Air Pollution Control District (APCD) established the AB 617 Portside Community Steering Committee to ensure that local community members are active partners in envisioning, developing, and implementing actions to clean the air in their communities. The Steering Committee meets monthly and includes 28-members, half of which are community residents. The Portside Community's Community Emission Reduction Plan (or CERP) was originally targeted for completion in May 2021. At the request of the APCD staff, the Steering Committee voted unanimously to postpone completion of the AB 617 CERP to July of this year, instead of May. This 2-month extension is intended to give the new APCD Board (which takes effect this March) to get up to speed on air-district related operations before taking*

*action on the AB 617 CERP. After the new San Diego APCD Board takes action on the CERP, the CERP will go to the California Air Resources Board for final approval later this calendar year. APCD staff also reviewed some minor modifications and proposed changes to the AB 617 Draft CERP document based on their follow-up conversations with various stakeholders and lead agencies.*

*Commissioner Naranjo then provided a report on the Maritime Clean Air Strategy (MCAS) Subcommittee. Commissioner Naranjo explained that the MCAS Subcommittee was formed last September to help Port staff identify priorities and potential emission reduction goals for the MCAS. Commissioner Naranjo added the subcommittee continues to meet twice a month, and in February it started focusing on near-term and longer-term goals. Staff is working closely with the 16-member MCAS Subcommittee, as well as several other stakeholders that attend, to develop goals that are SMARTIE (Specific, Measurable, Attainable, Relevant, Time-bound, Inclusive, and Equitable). In addition to fine-tuning the MCAS-related goals and strategies, staff is also developing a public engagement plan and a public review period which will start in early April.*

*Commissioner Bonelli began by thanking Jason Giffen, Vice President, Planning, Environment and Government Relations, and his Environmental and Planning staff for meeting with the Coronado Yacht Club and Coronado area environmental advocates to explore the potential for coastal resilience and a living coastline in Glorietta Bay.*

*Commissioner Bonelli then provided a SANDAG Transportation Committee meeting update. Commissioner Bonelli explained that, in response to the bluff failure affecting the rail line near Del Mar, SANDAG is working closely with the North County Transit District to lobby the California Transportation Commission the get extra funding for emergency repairs to keep the rail line open. This rail line provides an important connection that is utilized to transport billions of dollars worth of product which comes through the Port's cargo terminals.*

*Commissioner Bonelli then mentioned that SANDAG will be rolling out the next iteration of the Regional Transportation Plan over the next several months, the plan includes over \$165 billion in funding, and runs through 2050. The first rollout will be March 12, 2021. Anyone interested in viewing the plan can visit the SANDAG website at [www.sandag.org](http://www.sandag.org).*

## **F. President's Report.**

*Joe Stuyvesant, President/CEO, announced that, in celebration of Women's History Month, the Port wanted to do a special recognition of three Port of San Diego employees who have been recognized by the San Diego Business Journal as Women of Influence in Construction, Commercial Real Estate and Design. This distinction recognizes trail blazing women executing on their companies' goals and pushing their businesses forward.*

*The three women recognized were:*

*Noemi Aquino, Project Manager, Engineering & Construction, is a registered Civil Engineer in California. Her accomplishments include managing structural, geotechnical, civil, electrical, and sustainable design and construction of major public works projects on piers, fender systems, seawalls, pavements, building structures, bikeways, public roadways, facility lighting and utility infrastructures associated with new hotel, recreational and marina development.*

*Lucy Contreras, Program Manager, Real Estate department, has an extensive background in commercial development. She is the project leader on the redevelopment*



*of the 70-acre Central Embarcadero, working alongside developer, 1HWY1. She also leads a talented and creative team which is responsible for the interim leasing, enhancements and operations at Seaport Village. Lucy and her team have been responsible for the successful re-imagining of Seaport Village, including more than \$2.2 million in property enhancements.*

*Joan Siao, Capital Project Manager, Engineering & Construction, is a licensed California Civil Engineer. During her tenure at the Port, she has managed and designed more than 60 capital and maintenance projects around San Diego Bay. These include the Tuna Harbor Basin Seawall and Revetment Repairs project, the Emergency Wharf Repair at the North Embarcadero, which was awarded an American Public Works Association Project of the Year Award, along with four additional awards in 2017.*

*Mr. Stuyvesant then turned the presentation over to Sea Grant Fellows Dulce Cortez and Madelyn Roycroft to provide a brief overview of the Sea Grant Fellowship program, and to share their experiences as fellows over the past year. Ms. Roycroft then introduced Amanda Russell, the fifth-year cohort of Sea Grant Fellows at the Port.*

*Mr. Stuyvesant then shared that he is very pleased to report that since February 1st, the Port has not had any additional employees who have tested positive for COVID. The Port's Harbor Police Officers and staff have begun receiving their vaccine through the most current tier. Mr. Stuyvesant added that 62 officers and 9 civilians have been vaccinated. Staff is working on a plan to ensure that when the opportunity is made available in the next tier, all Port staff who desire to do so will be able to get vaccinated.*

*Mr. Stuyvesant then turned the presentation to Jason Giffen, Vice President for Planning, Environment and Government Relations. Mr. Giffen announced that it is with a heavy heart that he is sharing the passing of Shimrit Perkol-Finkel, co-founder and CEO of EConcrete. The Port partnered with EConcrete to launch a pilot project on Harbor Island using the company's innovative concrete bio-enhancing technology to improve coastal resiliency and create a living shoreline. Dr. Perkol-Finkel was an inspiration in the (eco) engineering field and her love and passion for the ocean was truly contagious. The Port is proud to be an EConcrete partner and will continue to help realize the incredible vision of Dr. Perkol-Finkel to make a positive change and to advance sustainable management of urban marine habitats. The Port sends their deepest condolences to Dr. Perkol-Finkel's family and friends, and all those who were fortunate enough to work with her.*

*Mr. Stuyvesant then invited Job Nelson, Chief Policy Strategist, to provide stimulus updates. Mr. Nelson explained that the House of Representatives is expected to pass the latest version of federal stimulus called the American Rescue Plan. The bill includes \$350 billion in funding for state and local governments. The funding has broadened to include lost revenue replacement. Even though ports do not have their own set-aside funding stream, the Port of San Francisco and Port of San Diego were successful in getting transfer authority language added to the bill to include public benefit corporations involved in transportation of passengers or cargo, and/or a special purpose unit of state or local government, the Port qualifies under both categories which will make the port eligible for state and local funding. The State of California will receive approximately \$26 billion in stimulus funding. The money will be distributed to the state within 60 days and will be divided into two tranches; the Port will be pursuing and arguing to receive funding in the first tranche and is moving fast to implement a strategy. Mr. Nelson will keep the Board updated as the Port moves forward on this important topic.*

**G. District Clerk's Announcements.**

*Donna Morales, District Clerk, announced that as required by the Brown Act and directed by the Board of Port Commissioners, she is reporting that on today's agenda is an item taking final action to approve the employment agreement for the Port Auditor of the San Diego Unified Port District. Additional information can be found in the agenda prepared for that item.*

*Also, agenda-related materials were received by the Board for the following items: Consent Agenda Item 6 - File No. 2021-0105 and Action Agenda Item 17 - File No. 2020-0257.*

*Additionally, staff requested the Board continue the following items to a future Board meeting: Consent Agenda Item 12 - File No. 2021-0163 and Action Agenda Item 15 - File No. 2021-0166.*

**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:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**APPROVAL OF MINUTES**

[2021-0169](#) Approval of minutes for:

February 11, 2021 - CLOSED SESSION

February 11, 2021 - 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:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**CONSENT AGENDA**

*Commissioner LeSar requested that Consent Agenda Item 1 - File No. 2021-009 be pulled from the Consent Agenda for discussion.*

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted the revised Consent Agenda as follows: Ordinance 2993; Resolution No. 2021-019; Resolution No. 2021-020; Resolution No. 2021-021; Resolution No. 2021-022; Resolution No. 2021-023; Resolution No. 2021-024; Resolution No. 2021-025; Resolution No. 2021-026; Resolution No. 2021-027; Resolution No. 2021-028; and Resolution No. 2021-029. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

2. [2021-0045](#) ORDINANCE APPROVING AN 8-YEAR EASEMENT IN SUBSTANTIAL FORM TO SDG&E AND SDG&E POWER YOUR DRIVE FOR PARKS PUBLIC ELECTRIC VEHICLE (EV) CHARGING PROGRAM PARTICIPATION AGREEMENT FOR EV CHARGING STATIONS LOCATED AT PEPPER PARK, 3300 GOESNO PLACE, NATIONAL CITY CALIFORNIA 91950, RESULTING IN NO NET COST TO THE DISTRICT

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Ordinance 2993 as part of the Consent Agenda.**

3. [2021-0057](#) RESOLUTION REQUESTING \$227,800.00 IN GRANT FUNDS FROM THE FY22 CALIFORNIA STATE PARKS, DIVISION OF BOATING AND WATERWAYS PUBLIC BEACH RESTORATION PROGRAM FOR THE KELLOGG BEACH SAND REPLENISHMENT PROJECT

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-019 as part of the Consent Agenda.**

4. [2021-0082](#) 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 2021

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-020 as part of the Consent Agenda.**

5. [2021-0053](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO

UNIFIED PORT DISTRICT, U.S. FISH & WILDLIFE SERVICE SAN DIEGO NATIONAL WILDLIFE REFUGE COMPLEX AND POSEIDON RESOURCES (CHANNELSIDE) LP ON THE COORDINATION OF RESTORATION OF SOUTH SAN DIEGO BAY, CALIFORNIA.

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-021 as part of the Consent Agenda.

6. [2021-0105](#) REVISIONS TO BOARD OF PORT COMMISSIONERS POLICIES TO INCLUDE NON-SUBSTANTIVE ADMINISTRATIVE UPDATES:
  - A) RESOLUTION AMENDING BOARD POLICY NO. 608: TENANT PERCENT FOR ART PROGRAM
  - B) RESOLUTION AMENDING BOARD POLICY NO. 609: PUBLIC ART PROGRAMS
  - C) RESOLUTION AMENDING BOARD POLICY NO. 771: TIDELANDS ACTIVATION PROGRAM

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-022, Resolution No. 2021-023, and Resolution No. 2021-024 as part of the Consent Agenda.
7. [2021-0141](#) RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR THE PORT AUDITOR
 

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-025 as part of the Consent Agenda.
8. [2021-0140](#) RESOLUTION AUTHORIZING TWO ADDITIONAL SIGNATORIES TO INITIATE TRANSACTIONS FROM THE SAN DIEGO UNIFIED PORT DISTRICT INVESTMENTS IN THE LOCAL AGENCY INVESTMENT FUND TO ENSURE CONTINUITY OF OPERATIONS. THE TWO ADDITIONAL SIGNATORIES WILL INCLUDE DIRECTOR, FINANCIAL SERVICES, AND MANAGER, FINANCIAL SERVICES
 

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-026 as part of the Consent Agenda.
9. [2021-0133](#) RESOLUTION APPROVING TEMPORARY REDUCTION OF LIABILITY INSURANCE REQUIREMENT FOR THE SAN DIEGO CONVENTION CENTER
 

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-027 as part of the Consent Agenda.
10. [2021-0147](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE AGREEMENT FOR INTEGRATED PLANNING PORT MASTER PLAN UPDATE CALIFORNIA ENVIRONMENTAL QUALITY REVIEW ACT CONSULTING SERVICES BETWEEN THE DISTRICT AND ICF JONES & STOKES, INC. FOR THE PREPARATION OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT TO INCREASE THE AGREEMENT

AMOUNT BY \$414,696 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$1,199,000 TO \$1,613,696; EXTENDING THE AGREEMENT EXPIRATION DATE TO JUNE 30, 2023 FROM JUNE 30, 2022; AND AMENDING THE LIST OF APPROVED SUB-CONSULTANTS. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2021 BUDGET. 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 LeSar, the Board adopted Resolution No. 2021-028 as part of the Consent Agenda.

11. [2021-0158](#) RESOLUTION BY A 4/5 VOTE RATIFYING THE EXECUTIVE DIRECTOR'S EMERGENCY DECLARATION AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY SHORELINE STABILIZATION AT ADMIRALTY WAY IN IMPERIAL BEACH INCLUDING PROCUREMENT OF A CONTRACTOR TO PERFORM THE NECESSARY REPAIRS.

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution No. 2021-029 as part of the Consent Agenda.

12. [2021-0163](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:  
 A) ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT CODE TO ADD ARTICLE X, SECTION X.XX - REGULATION OF WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS  
 B) RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATIONS FACILITIES  
 The Board will consider staff's request to continue item to a future Board meeting.

This item was continued to a future Board meeting.

## **ACTION AGENDA**

13. [2021-0034](#) PRESENTATION OF SERVICE AWARDS TO EMPLOYEES WITH 15 OR MORE YEARS OF SERVICE

*Maria Sarchi, Benefits Analyst, Human Resources, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0034 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Sarchi then turned the presentation over to President/CEO Joe Stuyvesant. Mr. Stuyvesant introduced and acknowledged tenure of: Gabriel Gonzalez, General Services, 15 years of service; Joel Valenzuela, Director of Maritime, 25 years of service; John DePrima, Development Services, 30 years of service; Emily Quimpo, Harbor Police, 30 years of service.*

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

*Chairman Zucchet provided comments.*

1. [2021-0009](#) RESOLUTION AUTHORIZING AMENDMENT NUMBER 4 TO THE AGREEMENT WITH MACIAS GINI & O'CONNELL LLP FOR PROFESSIONAL EXTERNAL AUDITING SERVICES EXTENDING THE AGREEMENT FOR ONE YEAR AND INCREASING THE MAXIMUM NOT-TO-EXCEED AMOUNT BY \$135,000 FOR A NEW TOTAL MAXIMUM NOT-TO-EXCEED AMOUNT OF \$1,016,584. FY2021 EXPENDITURES ARE BUDGETED. 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 was pulled from Consent.*

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

*Commissioner LeSar provided comments. Mark Yeilding, Port Auditor, responded.*

**On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution No. 2021-018. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

14. [2021-0014](#) 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 14 - File No. 2021-0014 (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 LeSar provided comments. Joe Stuyvesant, President/CEO, responded.*

15. [2021-0166](#) 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

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

The item was continued to a future Board meeting.

### **PUBLIC HEARING AGENDA**

17. [2020-0257](#) AMARA BAY ROADWAY CONSTRUCTION AND IMPROVEMENTS (J STREET, MARINA WAY, MARINA PARKWAY, STREET A, AND STREET C) PROJECT AT CHULA VISTA BAYFRONT:

A) ORDINANCE APPROVING AGREEMENT FOR AMENDMENT OF LEASE AMENDMENT NO. 9 TO THE LEASE WITH CALIFORNIA YACHT MARINA - CHULA VISTA, LLC AT 640 MARINA PARKWAY IN THE CITY OF CHULA VISTA TO ADD THREE YEARS OF LEASE TERM, ADD ADDITIONAL PERMITTED USES, ADJUST PERCENTAGE RENT CATEGORIES, AND MODIFY THE LEASEHOLD PREMISES TO ALLOW FOR IMPLEMENTATION OF THE J STREET ROADWAY REALIGNMENT PROJECT

B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO NORTH C.V. WATERFRONT, L.P., DBA PACIFICA COMPANIES FOR AMARA BAY ROADWAY CONSTRUCTION AND IMPROVEMENTS (J STREET, MARINA WAY, MARINA PARKWAY, STREET A, AND STREET C) PROJECT

C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO NORTH C.V. WATERFRONT, L.P., DBA PACIFICA COMPANIES FOR AMARA BAY ROADWAY CONSTRUCTION AND IMPROVEMENTS (J STREET, MARINA WAY, MARINA PARKWAY, STREET A, AND STREET C) PROJECT

*Wileen Manaois, Director, Development Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2020-0257 (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 of the property exchange agreement, the roadway construction and improvements, the California Yacht Marina lease amendment, the concept approval and Coastal Development Permit, and staff recommendations.*

*Chairman Zucchet opened the Public Hearing.*

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



*comments: Ash Israni, Pacifica Companies.*

*Chairman Zucchet closed the Public Hearing.*

*Commissioner Moore and Commissioner Castellanos provided comments.*

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Item A and Item B, thereby adopting Ordinance 2994 and Resolution 2021-030. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Item C, thereby adopting Resolution 2021-031. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 18.**     [2021-0044](#)     SAN DIEGO BAY NATIVE OYSTER LIVING SHORELINE PILOT PROJECT:
- A. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION ADOPTING THE PORT MASTER PLAN AMENDMENT, AS CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION, AND DIRECTING THE FILING OF NOTICE OF SAID ADOPTION WITH THE CALIFORNIA COASTAL COMMISSION
- B. ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE PROJECT, CONDITIONED ON SATISFACTION OF THE CALIFORNIA COASTAL COMMISSION'S ACCEPTANCE OF THE DISTRICT'S ADOPTION OF THE PORT MASTER PLAN AMENDMENT, AS CERTIFIED BY THE CALIFORNIA COASTAL COMMISSION



*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2021-0044 (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 Tim Barrett, Senior Environmental Specialist, Environmental Conservation, to provide the project background, as well as review the project description and design. Mr. Barrett then turned the presentation over to Lily Tsukayama, Associate Planner, to discuss the proposed Port Master Plan Amendment (PMPA) and project timeline.*

*Chairman Zucchet opened the Public Hearing.*

*The following member(s) of the public addressed the Board with agenda-related comments: Evyan Sloane, California State Coastal Conservancy.*

*Chairman Zucchet closed the Public Hearing.*

*Commissioner Malcolm, Commissioner Castellanos, Commissioner Bonelli, and Chairman Zucchet, provided comments and asked clarifying questions. Mr. Barrett responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted Item A, thereby adopting Resolution 2021-032. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted Item B, thereby adopting Resolution 2021-033. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**ACTION AGENDA (continued)**

16. [2021-0083](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE APRIL 13, 2021 MEETING

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

Yeas: 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

**OFFICER'S REPORT**

19. [2021-0161](#) OFFICER'S REPORT

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

A) Change Order No. 4 to Contract No. 2018-27 with 3-D Enterprises, Inc.  
- \$74,768.00 Increase

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 Border Patrol San Diego Technical Operations for Right of Entry License Agreement to United States Border Patrol for Camera Installation at Chula Vista Bayfront, for total amount \$550.00

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

*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, April 13, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet  
**Excused:** 1 - Commissioner Castellanos  
**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding.*

#### B. Public Communications.

*The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Health Coalition.*

#### CLOSED SESSION

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

1. [2021-0200](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2021-0204](#) Closed Session Item No. 2

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

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2021-0197](#) 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 - Joe Stuyvesant, Shaun Sumner, and Anthony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0199](#) Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation 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

## Meeting Minutes

### Board of Port Commissioners

---

Tuesday, April 13, 2021

1:00 PM

Virtual Meeting

---

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner Castellanos

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding*

#### 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: Dave Engle; Kathleen Kastner; Melanie Ross; and Sarah (did not give last name).*

#### D. Board Committee Reports.

##### *Audit Oversight Committee:*

*Commissioner Malcolm reported out regarding the Audit Oversight Committee which met on March 16, 2021. The agenda included a review of the 2021 Audit Oversight Committee Work plan, which is on the agenda today (Item 1 - File No. 2021-0008), and reappointment of public committee member, Mona Dickerson. The District's external auditors, Macias, Gini and O'Connell (MGO) presented their engagement letter for the FY21/22 Annual Financial Statements Audit and Single Audit that will begin in May. Mark Yeilding, 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. Commissioner Naranjo added that during the meeting there was discussion regarding term limits and recruitment process for public committee members.*

##### *Environmental Advisory Committee:*

*Eileen Maher, Director, Environmental Conservation, provided report on behalf of Commissioner Castellanos. The Environmental Advisory Committee (EAC) held its first meeting of the year on March 17, 2021. The Committee unanimously approved its 2021*

*work plan, which will focus on air quality, the Blue Economy Incubator, climate action, habitat restoration projects, ecological monitoring, environmental education, and the Port Master Plan Update. The proposed work plan is on today's consent agenda (Item 2 – File No. 2021-0046).*

*The Committee also received an update from Commissioner Castellanos on recent funding and partnerships which included: the recent MOU with The San Diego Foundation to explore coastal resiliency, environmental justice, and environmental conservation opportunities; a MOU with the U.S. Fish & Wildlife Service National Wildlife Refuges and Poseidon Resources to work cooperatively on 200 acres of wetlands restoration at Pond 20 and Pond 15 in South San Diego Bay; the Board's recent support of the San Diego County Board of Supervisors vote to develop a Regional Carbon Sustainability Plan; and the unanimous vote by the Board and the Coastal Commission to certify the Native Oyster Living Shoreline Port Master Plan Amendment in partnership with the State Coastal Conservancy.*

*Staff provided an update on the Environmental Education Program, which includes the Living Coast Discovery Center's Watershed Discovery Program. In 2020, the Watershed Discovery Program converted all its field trips to virtual learning.*

*Staff also provided an overview of the Maritime Clean Air Strategy Discussion Draft, and provided an update on progress of the Mitigation Bank at Pond 20. The Environmental Impact Report and the Port Master Plan Amendment are on today's agenda for discussion and a public hearing (Item 18 - File No. 2021-0048). The next EAC meeting is scheduled for June 2, 2021.*

## **E. Commissioners' Reports.**

*Commissioner Bonelli provided a report on the Centennial Park retaining wall project and shared photos of the project's progress. Commissioner Bonelli thanked his fellow Board members and Engineering staff for making this project possible.*

*Commissioner Naranjo provided a report on the AB 617 Community Steering Committee. Commissioner Naranjo explained that this committee continues to meet monthly to work on developing the AB 617 CERP which is scheduled to go to the new San Diego Air Pollution Control District (APCD) for action in July or August. Following APCD's action this Summer, the AB 617 CERP is scheduled to go to the California Air Resources Board for review and final action later this year. At the March 16th Steering Committee Meeting, the Port, Shipyards, and US Navy provided a status update on Phase 1 Implementation Strategies for the AB 617 CERP, which were generally well received by the Steering Committee. Staff from the California Air Resources Board (CARB) also presented some preliminary draft work for Air Toxics / Health Risk modeling. Port staff is working closely with APCD and CARB staff to provide information from recent inventories to help with this analysis. The next AB 617 Steering Committee is scheduled for April 20th.*

*Commissioner Naranjo then provided an update regarding the MCAS Subcommittee. Commissioner Naranjo explained that the subcommittee conducted their final three subcommittee meetings during the last three weeks in March. The MCAS Discussion Draft went out for public review on March 23rd for a four-week public review period which closes on April 20th. Port staff facilitated a Community Conversation Meeting on April 7th to solicit questions and comments on the MCAS discussion draft, which had about 70 participants. Commissioner Naranjo and Port staff also presented the MCAS Discussion Draft to the National City, City Council at their April 6th meeting, which was also generally well received. Port staff is continuing to give presentations on the MCAS Discussion Draft at various community meetings and forums through April 20th. Port staff plans to bring the MCAS document to the Board on May 11th, which will include a summary of*



*public comments, as well as recommended revisions to the MCAS.*

## **F. President's Report.**

*Joe Stuyvesant, President/CEO began with a remembrance of former state lawmaker Jim Mills. Mr. Stuyvesant explained that Mr. Mills was one of the most important figures in the founding of the Port of San Diego. Mr. Mills was part of a bipartisan group of state lawmakers that helped establish the Port in 1962 and was sometimes called the "Father of the Port." He served for 22 years in the California Assembly and Senate and was instrumental in authoring legislation to create the local trolley system, the Old Town State Historic Park, and the Bayshore Bikeway. Mr. Mills considered the Port one of his greatest achievements. Mr. Stuyvesant then asked for a moment of silence for this extraordinary public servant.*

*Mr. Stuyvesant then announced that two of the Port's engineers were recently recognized by the San Diego Business Journal as Women of Influence in Engineering. They were both featured in a special section of the San Diego Business Journal published on March 29. Perla Goco, Capital Project Manager, Engineering & Construction, has been at the Port for 21 years. She has designed more than 50 capital and major maintenance projects around San Diego Bay, including LED retrofitting projects on all streets and in parks within the Port's jurisdiction, which saves approximately 280,000 kw of electricity and \$60,000 in utility costs annually. Ani Mehra is an Associate Engineer in the Port's Engineering & Construction Department. She has been with the Port for two years and her projects at the Port include leading the Preliminary Engineering Program, in which she has completed more than 20 preliminary engineering reports.*

*Mr. Stuyvesant then shared that the Port continues to closely monitor the COVID situation and its impacts on the Port and the region. The Port's Executive Leadership Group continues to meet weekly for regular updates and to provide direction on COVID-related matters. Mr. Stuyvesant announced that since February first, the Port has not had any additional employees test positive for COVID. The Port is currently finishing a plan to reopen the administration building as conditions improve.*

*Mr. Stuyvesant then invited Job Nelson, Chief Policy Strategist to provide an update on the Port's latest progress on Stimulus relief. Mr. Nelson reported that the American Rescue Plan passed and includes \$350 billion in funding for state and local governments and approximately \$26 billion for California. The Port of San Diego, along with the Port of San Francisco, were successful in getting transfer authority language added to the bill. This language allows the State to transfer funds to eligible entities such as the Port of San Diego. The Port is grateful to Speaker Pelosi and Congressman Peters for ensuring the language was included. Port staff is now shifting focus on the State of California to ensure the money is transferred. The Port has put together an aggressive state strategy and is partnering with the Port of San Francisco, as well as organized labor partners such as Teamsters and ILWU. Mr. Stuyvesant and Mr. Nelson have been meeting with State Lands Commission, Lt. Governor, state controller and legislative leadership. The Lt. Governor and Controller are actively weighing in on the Port's behalf. Mr. Nelson thanked Chairman Zucchet for help securing a support letter from Mayor Gloria, and to Commissioner Naranjo for reaching out to County Supervisor Vargas. Staff anticipates that distribution of stimulus funds will be announced as part of the May revision of the State's budget, to be announced by May 15.*

*Mr. Stuyvesant then announced that today staff will be presenting the first look at the Port's FY22 Preliminary Base Budget as an informational item. Mr. Stuyvesant explained that this budget brief will contain an estimate on FY23 and FY24 budgets. Additionally, Robert DeAngelis, CFO, will give an update on FY21 financials. These series of reports*

*are intended to give the Board a broader budget context of current year, next year, plus two additional years, as the Commissioners begin to contemplate the FY22 preliminary base budget. Mr. Stuyvesant added that given the rapidly changing environment, staff will update what the Board sees today, when staff comes back with the budget recommendation in May.*

## G. District Clerk's Announcements.

*Donna Morales, District Clerk, announced that agenda-related materials were received by the Board for the following agenda items: Item 17 - File No. 2021-0019; Item 18 - File No. 2021-0048; Item 21 - File No. 2021-0039; and Item 24 - File No. 2021-0201.*

*Additionally, staff is requesting that the following items be continued to a future Board meeting: Item 5 - 2021-0195; Item 9 - File No. 2021-0138; and Item 22 - File No. 2021-0194.*

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

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## APPROVAL OF MINUTES

[2021-0191](#) Approval of minutes for:

March 9, 2021 - CLOSED SESSION

March 9, 2021 - BPC MEETING

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

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## CONSENT AGENDA

*Commissioner LeSar requested that Consent Agenda Item 3 - File No. 2021-0047 be*

*pulled from the Consent Agenda for discussion.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted the revised Consent Agenda as follows: Resolution No. 2021-034; Resolution No. 2021-035; Resolution 2021-036; Resolution 2021-038; Resolution 2021-039; Resolution No. 2021-040; Resolution 2021-041; Resolution 2021-042; Resolution No. 2021-043; Resolution 2021-044; Ordinance 2995; Resolution 2021-045; Ordinance 2996; Ordinance 2997; Ordinance 2998; Ordinance 2999; Resolution 2021-046; Resolution 2021-047; Resolution 2021-048; Resolution 2021-049; Resolution 2021-050; Resolution 2021-051; Ordinance 3000; Ordinance 3001; Ordinance 3002; Ordinance 3003; and Ordinance 3004. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0008](#) RESOLUTION APPROVING THE 2021 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 Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-034 as part of the Consent Agenda.**

2. [2021-0046](#) ENVIRONMENTAL ADVISORY COMMITTEE
  - A) RESOLUTION APPROVING CALENDAR YEAR 2021 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY 018, BOARD ADVISORY COMMITTEES
  - B) RESOLUTION APPROVING ADMINISTRATIVE MODIFICATIONS TO BOARD OF PORT COMMISSIONERS POLICY 730 THE PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-035 and Resolution 2021-036 as part of the Consent Agenda.**

4. [2021-0051](#) ADOPT A RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT 2015-01 FOR "PARKING METERS IN NORTH EMBARCADERO, TUNA HARBOR, AND RUOCCO PARK - NEW RATE RANGE, MODIFICATION TO HOURS AND DAYS OF OPERATIONS, PURCHASE AND INSTALLATION OF SMART METERS AND SENSORS," AS AMENDED TO CHANGE THE USE OF 40 PUBLIC METERED PARKING SPACES

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-038 as part of the Consent Agenda.**

5.     [2021-0195](#)     RESOLUTION AUTHORIZING PROPERTY MANAGEMENT AGREEMENT AND COMMON AREA OPERATING PERMIT BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND PROTEA PROPERTY MANAGEMENT, INC. (PROTEA) ENDING JUNE 30, 2021 WITH TWO OPTIONS TO EXTEND BY ONE YEAR EACH AND GRANTING PROTEA A LIMITATION OF LIABILITY AND A WAIVER OF CONSEQUENTIAL AND EXEMPLARY DAMAGES

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.     [2021-0088](#)     RESOLUTION APPROVING THE CALENDAR YEAR 2021 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 Bonelli, the Board adopted Resolution 2021-039 as part of the Consent Agenda.**

7.     [2021-0089](#)     RESOLUTION PROCLAIMING MAY 5, 2021 AS SAN DIEGO COUNTY LAW ENFORCEMENT OFFICERS' MEMORIAL DAY AND MAY 9-15, 2021 AS NATIONAL POLICE WEEK

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-040 as part of the Consent Agenda.**

8.     [2021-0127](#)     RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH LENCO INDUSTRIES INC. FOR THE PURCHASE OF AN ARMORED TACTICAL VEHICLE, IN AN AMOUNT NOT TO EXCEED \$351,074.80. ALL FUNDS WILL BE INCLUDED IN THE PROPOSED FY 2022 BUDGET AND ARE 100% REIMBURSABLE VIA THE URBAN AREA SECURITY INITIATIVE (UASI) GRANT AWARD

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-041 as part of the Consent Agenda.**

9.     [2021-0138](#)     ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE WITH HIGH SEAS MARINE ENTERPRISES, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY, TO UPDATE LEASE PROVISIONS AND EXTEND THE TERM OF THE LEASE BY 10 YEARS FOR AN EXTENSION FEE OF \$500,701.

**This item was continued to a future Board meeting.**

10.    [2021-0150](#)     RESOLUTION CONSENTING TO SUBLEASE FROM MARRIOTT INTERNATIONAL, INC., A DELAWARE CORPORATION, AS MANAGER

FOR CCMH SAN DIEGO LLC, A DELAWARE LIMITED LIABILITY COMPANY, D.B.A. MARRIOTT MARQUIS SAN DIEGO MARINA TO FEDEX OFFICE AND PRINT SERVICES, INC., A TEXAS CORPORATION FOR A TERM OF 5 YEARS WITH ONE OPTION FOR AN ADDITIONAL 5 YEARS.

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-042 as part of the Consent Agenda.**

11. [2021-0170](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY20/21 OPERATION AND MAINTENANCE FOR SEWAGE MANAGEMENT EQUIPMENT PROGRAM IN THE AMOUNT OF \$113,638.27 AND GRANTING INDEMNITY

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-043 as part of the Consent Agenda.**

12. [2021-0177](#) SHM CABRILLO ISLE, LLC DBA CABRILLO ISLE MARINA LOCATED AT 1450 HARBOR ISLAND DRIVE, SAN DIEGO:

A. RESOLUTION CONSENTING TO THE TRANSFER OF OWNERSHIP INTERESTS IN SHM CABRILLO ISLE, LLC DBA CABRILLO ISLE MARINA, TO SUN COMMUNITIES OPERATING LIMITED PARTNERSHIP; AND

B. ORDINANCE GRANTING A SECOND AMENDED AND RESTATED LEASE TO SHM CABRILLO ISLE, LLC DBA CABRILLO ISLE MARINA, TO UPDATE LEASE TO CURRENT TERMS.

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-044 and Ordinance 2995 as part of the Consent Agenda.**

13. [2021-0178](#) SHELTER ISLAND YACHTWAYS, LTD., DBA SHELTER ISLAND BOATYARD LOCATED AT 2330 AND 2390 SHELTER ISLAND DRIVE, SAN DIEGO:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM SHELTER ISLAND YACHTWAYS, LTD. DBA SHELTER ISLAND BOATYARD TO SHM SHELTER ISLAND, LLC; AND,

B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SHELTER ISLAND, LLC TO UPDATE LEASE TO CURRENT TERMS.

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-045 and Ordinance 2996 as part of the**

**Consent Agenda.**

14. [2021-0179](#) ORDINANCE AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A 5 YEAR LICENSE AGREEMENT WITH THREE 5 YEAR OPTIONS TO EXTEND AND GRANTING INDEMNITY TO THE UNITED STATES OF AMERICA FOR THE JOINT HARBOR OPERATIONS CENTER TO CONDUCT JOINT HOMELAND SECURITY AND PUBLIC SAFETY OPERATIONS AT 2710 NORTH HARBOR DRIVE, SAN DIEGO.

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Ordinance 2997 as part of the Consent Agenda.**

15. [2020-0379](#) SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY (SDCRAA) GROUND TRANSPORTATION VEHICLE STAGING PROJECT:
- A. ORDINANCE GRANTING A LEASE TO SDCRAA FOR A GROUND TRANSPORTATION VEHICLE STAGING LOT AT 2535 PACIFIC HIGHWAY IN SAN DIEGO FOR A 20-YEAR TERM
  - B. ORDINANCE GRANTING AN EASEMENT FOR SDCRAA'S PARTICIPATION IN THE POWER YOUR FLEET PROGRAM WITH SAN DIEGO GAS AND ELECTRIC FOR ELECTRIC VEHICLE CHARGING SITES LOCATED AT 2535 PACIFIC HIGHWAY IN SAN DIEGO FOR A 20-YEAR TERM
  - C. RESOLUTION GRANTING CONCEPT APPROVAL TO SDCRAA FOR THE GROUND TRANSPORTATION VEHICLE STAGING PROJECT
  - D. RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO SDCRAA FOR THE GROUND TRANSPORTATION VEHICLE STAGING PROJECT

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Ordinance 2998, Ordinance 2999, Resolution 2021-046 and Resolution 2021-047 as part of the Consent Agenda.**

16. [2020-0380](#) SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY (SDCRAA) TEMPORARY OFFICE TRAILER COMPLEX PROJECT:
- A) RESOLUTION CONSIDERING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "SAN DIEGO INTERNATIONAL AIRPORT DEVELOPMENT PLAN" PREPARED BY SDCRAA, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM; CONSIDERING THE ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "SAN DIEGO INTERNATIONAL AIRPORT DEVELOPMENT PLAN" PREPARED BY SDCRAA; AND AUTHORIZING STAFF TO FILE THE NOTICE OF DETERMINATION
  - B) RESOLUTION GRANTING CONCEPT APPROVAL TO SDCRAA FOR

THE TEMPORARY OFFICE TRAILER COMPLEX PROJECT  
 C) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE SDCRAA FOR THE TEMPORARY OFFICE TRAILER COMPLEX PROJECT  
 D) RESOLUTION APPROVING THE TIDELANDS USE AND OCCUPANCY PERMIT TO SDCRAA FOR A TEMPORARY OFFICE TRAILER COMPLEX FOR TERMINAL ONE CONSTRUCTION PROJECT TEAM CONTRACTORS AND DISPLACED AIRPORT STAFF LOCATED AT 3032 NORTH HARBOR DRIVE in San Diego FOR A 5-YEAR TERM WITH TWO 1-YEAR OPTIONS (FOR A TOTAL POTENTIAL TERM OF 7 YEARS)

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-048, Resolution 2021-049, Resolution 2021-050, and Resolution 2021-051 as part of the Consent Agenda.**

17. [2021-0091](#)
- A) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO SHELTER ISLAND, INC., DBA TOM HAM'S LIGHTHOUSE, LOCATED AT 2150 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT PROVISIONS
  - B) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO SHELTER ISLAND, INC., DBA SHELTER ISLAND'S BALI HAI, LOCATED AT 2230 SHELTER ISLAND DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT PROVISIONS
  - C) ORDINANCE GRANTING LEASE AMENDMENT NO. 3 TO FISH MARKET RESTAURANTS, INC., DBA FISH MARKET, LOCATED AT 750 NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT PROVISIONS
  - D) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO HORNBLLOWER YACHTS, LLC, DBA HORNBLLOWER CRUISES & EVENTS, LOCATED AT 1800 NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT PROVISIONS
  - E) ORDINANCE GRANTING LEASE AMENDMENT NO. 1 TO STAR & CRESCENT BOAT COMPANY, DBA FLAGSHIP CRUISES & EVENTS, LOCATED AT 990 NORTH HARBOR DRIVE, IN THE CITY OF SAN DIEGO, AMENDING THE RENT PROVISIONS

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Ordinance 3000, Ordinance 3001, Ordinance 3002, Ordinance 3003, and Ordinance 3004 as part of the Consent Agenda.**

## **ACTION AGENDA**

3. [2021-0047](#) RESOLUTION REAPPOINTING MONA DICKERSON TO THE SAN

DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE  
(AOC) FOR A THIRD TERM OF THREE YEARS DURATION  
COMMENCING MARCH 1, 2021

*This item was pulled from the Consent Agenda.*

*Commissioner LeSar provided comments and invited Mark Yeilding, Port Auditor, to provide staff comments.*

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-037. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**PUBLIC HEARING AGENDA**

**18.     [2021-0048](#)     WETLAND MITIGATION BANK AT POND 20 AND PORT MASTER PLAN AMENDMENT:**

A) PRESENTATION AND DIRECTION TO STAFF ON WETLAND MITIGATION BANK AT POND 20 AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT;

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 WETLAND MITIGATION BANK AT POND 20 AND PORT MASTER PLAN AMENDMENT;

C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT FOR THE WETLAND MITIGATION BANK, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION; AND

D) RESOLUTION AMENDING BPC POLICY NO. 774, THE POND 20 ECONOMIC DEVELOPMENT FUND, TO INCLUDE PARCEL B, A ONE ACRE PARCEL, AND FOR MINOR CLARIFYING REVISIONS.

*Jason Giffen, Vice President, Planning, Environment, and Government Relations,*



*addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 18 - File No. 2021-0048 (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 Eileen Maher, Director, Environmental Conservation, to discuss the aspects of the proposal. Ms. Maher then turned the presentation over to Ashley Wright, Senior Planner to discuss the details of the project EIR, PMPA, and Board Policy No. 774. Ms. Wright then turned the presentation back to Ms. Maher to discuss the project timeline, next steps, and staff recommendations.*

*Chairman Zucchet opened the Public Hearing for comments. The following member(s) of the public addressed the Board with agenda-related comments: Candace Wo, San Diego Foundation; Ed Parnell, Scripps Institution of Oceanography; Jim O'Callaghan, South County Economic Development Council; and Jim Peugh, San Diego Audubon Society.*

*Chairman Zucchet closed the Public Hearing.*

*Commissioner Malcolm, Commissioner Moore, and Chairman Zucchet, provided comments.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-052, Resolution 2021-053, and Resolution 2021-054. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **ACTION AGENDA**

### **19. [2021-0031](#) 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 19 - File No. 2021-0031 (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 Malcolm provided comments and asked clarifying questions. Mr. DeAngelis responded.*

### **20. [2021-0124](#) A. ACCEPT PRELIMINARY BUDGET INFORMATION AND PROVIDE DIRECTION TO STAFF IN PREPARING THE FISCAL YEAR (FY) 2022 BUDGET INCLUDING DIRECTION TO USE OPERATING RESERVES TO FUND ANY REMAINING BUDGET DEFICIT**

**B. ADOPT A RESOLUTION NOT TO SOLICIT PROJECT APPLICATIONS OR HOLD A CIP WORKSHOP PURSUANT TO BOARD POLICY NO. 120**

*Robert DeAngelis, CFO/Treasurer addressed the Board with staff's report and presentation regarding Action Agenda Item 20 - File No. 2021-0124 (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 Joe Stuyvesant, President/CEO, to provide look back over the last year, and overview of what is ahead. Mr. Stuyvesant then turned the presentation back to Mr. DeAngelis to discuss the presentation outline, the budget timeline, and methods taken to develop the preliminary FY 22 budget. Mr. DeAngelis then turned the presentation to Mike LaFleur, Vice President, Maritime, to discuss the Maritime revenue assumptions. Mr. LaFleur then turned the presentation to Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, to discuss the Real Estate and Parking revenue assumptions. Mr. Sumner then turned the presentation back to Mr. DeAngelis to discuss the preliminary base budget FY 22. Mr. DeAngelis then turned the presentation over to Cid Tesoro, Assistant Vice President, Infrastructure, to discuss the three year outlook for the Major Maintenance program. Mr. Tesoro then turned the presentation back to Mr. DeAngelis to discuss the preliminary FY 23 and FY 24 forecasts. Mr. DeAngelis then turned the presentation to Mr. Tesoro to discuss the Capital Improvement Program outlook and Equipment Outlay and Other Capital Projects. Mr. Tesoro then turned the presentation to Mr. DeAngelis to discuss additional funding considerations, staff recommendations, and to close out presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Vice Mayor Jose Rodriguez, City of National City.*

*Commissioner Malcolm, Commissioner Bonelli, Chairman Zucchet, and Commissioner LeSar, provided comments and asked clarifying questions. Mr. DeAngelis, Mr. Stuyvesant, Mr. Sumner, and Anthony Gordon, Director, Real Estate, responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner LeSar, the Board adopted B - Resolution 2021-055. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 21. [2021-0039](#)** A. ORDINANCE AMENDING THE FISCAL YEAR (FY) 2021 BUDGET INCREASING THE FY 2021 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$4,600,000 BY TRANSFERRING 1) \$500,000 FROM THE LOW CARBON FUEL STANDARD (LCFS) RESTRICTED FUNDS, 2) \$3.0M FROM UNUSED PERSONNEL APPROPRIATIONS, AND 3) \$1.1M FROM UNUSED NON-PERSONNEL BUDGET

## APPROPRIATIONS

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 \$4,450,000 AND INCREASE CAPITAL LABOR BY \$150,000 IN SUPPORT OF THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT

C. RESOLUTION AUTHORIZING A SOLE SOURCE EQUIPMENT PURCHASE AGREEMENT WITH COCHRAN MARINE, LLC IN THE NOT TO EXCEED AMOUNT OF \$2,874,325 FOR EQUIPMENT FOR THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT

D. RESOLUTION AUTHORIZING A SOLE SOURCE CONSTRUCTION PHASE CONSULTING SERVICE AGREEMENT WITH COCHRAN MARINE, LLC IN THE NOT TO EXCEED AMOUNT OF \$257,150 FOR CONSTRUCTION MANAGEMENT, COORDINATION, TESTING AND COMMISSIONING FOR THE COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT

*Joel Valenzuela, Director, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 21 - File No. 2021-0039 (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 Adam Deaton, Senior Trade Account Representative, to discuss the California Air Resource Board (CARB) At-berth Regulation, shore power operational conditions, proposed phase 2 shore power budget, sole source benefit, low-carbon fuel standard credits, and staff recommendations.*

*The following member(s) of the public addressed the Board with non agenda-related comments: Bob Viskul; and Janet Rogers.*

*Commissioner LeSar, and Chairman Zucchet, provided comments and asked clarifying question. John Carter, Deputy General Counsel, responded.*

**On a motion by Commissioner LeSar, seconded by Chairman Zucchet, the Board adopted Ordinance 3005, Resolution 2021-056, Resolution 2021-057, and Resolution 2021-058. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

22. [2021-0194](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:
- A) ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT CODE TO ADD ARTICLE X, SECTION X.XX - REGULATION OF WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS
- B) RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATIONS FACILITIES
- 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.**

23. [2021-0193](#) SUNROAD HARBOR ISLAND EAST HOTEL PROJECT LOCATED AT 851 HARBOR ISLAND DRIVE IN SAN DIEGO:
- A) ADOPT RESOLUTION ADOPTING A FIRST ADDENDUM TO THE REVISED FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "SUNROAD HARBOR ISLAND HOTEL PROJECT & EAST HARBOR ISLAND SUBAREA PORT MASTER PLAN AMENDMENT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION
- B) ADOPT AN ORDINANCE GRANTING AN OPTION TO LEASE AGREEMENT, WITH CONDITIONS, WITH SUNROAD HIE HOTEL PARTNERS, L.P. FOR A 66-YEAR LEASE
- Anthony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 23 - File No. 2021-0193 (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 James Hammel, Program Manager, Real Estate, to discuss recommendations, project overview, the first addendum to the revised FEIR, overview of the lease agreement terms, next steps, and staff recommendations.*
- The following member(s) of the public addressed the Board with agenda-related comments: Uri Feldman, Sunroad Enterprises; Chris Allen; and Francisco Pena.*
- Commissioner LeSar, Commissioner Malcolm, Commissioner Bonelli, and Chairman Zucchet, provided comments, and asked clarifying questions. Michelle Chan, Senior Planner, Development Services, Mr. Feldman, and Mr. Hammel responded.*
- On a motion by Commissioner Malcolm, seconded by Commissioner LeSar, the Board adopted Resolution 2021-059 and Ordinance 3006.**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 24.**     [2021-0201](#)     ADOPT A RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' APRIL MEETING DATES FOR CALENDAR YEAR 2021

On a motion by Commissioner Moore, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-060 amending the April Board meeting dates and adding April 29, 2021 as an additional regular meeting. The motion carried by the following vote:

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 25.**     [2021-0152](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MAY 11, 2021 MEETING

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

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Castellanos

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **OFFICER'S REPORT**

- 26.**     [2021-0196](#)     OFFICER'S REPORT

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

A) Change Order No. 5 to Contract No. 2018-27 with 3-D Enterprises, Inc.  
/ Decreases Contract by \$20,000.00

---

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 Outboard Boating Club of San Diego, Inc. for Outboard Boating Club of San Diego, Inc. - 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:

A) Amendment No. 1 to Lease (#72126) with United States of America, General Services Administration (GSA) on Behalf of the United States Coast Guard - Amends Lease to Issue Notice To Proceed with Tenant Improvement Work, Authorize Tenant Improvement Cost Overage, and Establish Procedure for Lump Sum Payment of the Tenant Improvement Cost Overage

*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, May 11, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner LeSar

**Absent:** 0

*Officers Present: DeAngelis, Russell, and Stuyvesant*

#### 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. [2021-0224](#) Closed Session Item No. 1

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.*

2. [2021-0225](#) Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

District Negotiator: Joe Stuyvesant, Karen Porteous, Michelle Corbin

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.*

*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, May 11, 2021

1:00 PM

Virtual Meeting

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman 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.

*Commissioner LeSar provided a report on the Accessibility Advisory Committee. Highlights of the meeting included: an update on the shared mobility device draft ordinance; a discussion of ferry accessibility at Coronado Ferry Landing; and an update on electric vehicle charging stations.*

#### E. Commissioners' Reports.

*Commissioner Moore announced that the Port celebrated a momentous point in the history of the Chula Vista Bayfront - the completion and opening of the first two major redevelopment projects – the Sweetwater Bicycle Path & Promenade, and the Sun Outdoors San Diego Bay RV resort. These monumental achievements are the beginning of the transformation of the Chula Vista Bayfront as envisioned by the Port, the City of Chula Vista, and the Chula Vista community. The Sweetwater Path is a new multi-use pedestrian and bicycle path that connects Bayside Park and other Harbor District amenities to Sweetwater Marsh, the Living Coast Discovery Center and the new RV resort in the northern area of the Chula Vista Bayfront. The project was funded in part by an Urban Greening Grant from the California Natural Resources Agency. Urban greening projects like this help to mitigate greenhouse gas emissions, lower vehicles miles traveled, encourage active transportation, reduce urban heat island temperatures, while contributing to healthy, vibrant, communities and activities. The Sun Outdoors RV resort, located at E Street and Bay Boulevard, includes a mix of RV sites and vacation cottage rentals with a variety of resort amenities. Commissioner Moore thanked the partners at the City of Chula Vista for their work on both projects, the California Natural Resources Agency for the grant funding for Sweetwater Path, Sun Communities for the*

*RV resort, and a very large, dedicated team from the Port that includes dozens of staff members spread across almost every department at the Port. Commissioner Moore thanked Shaun Sumner, Adam Meyer, Mark McIntire, and Stephanie Shook, in particular, for all their hard work and dedication to help bring this project forward.*

*Commissioner Castellanos announced that he had the pleasure of celebrating the opening of Televisa California's new studio at Seaport Village on April 29th. Commissioner Castellanos explained that for over 60 years, XEWT Channel 12 has broadcasted Spanish-language entertainment and news programming from its studio in Tijuana to its viewers in the San Diego-Baja/Cali-Baja region. Viewers will see live and taped segments from Seaport Village on shows like the popular morning show, "¡QUÉ BUEN DÍA! Commissioner Castellanos shared that he, along with San Diego Mayor Todd Gloria, National City Mayor Alejandra Sotello Solis, and Chula Vista City Councilwoman Jill Galvez, joined Televisa's president, Patricia Alvarez in cutting the ribbon to mark the studio's opening. The studio is a continuation of the Port's recent revitalization efforts, which have resulted in exciting new tenants and leasing activity from the likes of Mike Hess Brewing, Mr. Moto Pizza, Spill the Beans, and Malibu Farm.*

*Commissioner Naranjo provided a report regarding the April 20th AB 617 Steering Committee meeting. The Air District staff provided a status update on the AB 617 CERP, which included an announcement that Phase II of the DRAFT AB 617 CERP would be released for a three-week public review period from April 19th to May 7th. Following the public review, Air District staff plans to bring an updated Phase II CERP document back to the Steering Committee in June. The Air Pollution Control Board is expected to take action on the CERP in July, so it can go to the California Air Resources Board for final action later this year or early next year. Commissioner Naranjo and Port staff also presented an overview of the Port's MCAS Discussion Draft to the committee.*

*Commissioner Naranjo then announced that she attended the first SANDAG Bayshore Bikeway Working Group meeting on April 28, highlights included status reports on the Chollas Creek Bikeway, the Bayshore Bikeway segment 5 in National City, the Barrio Logan segment, and the Border to Bayshore Bikeway. The group also received updates on the Bayshore Bikeway signage improvements projects and projects related to the Bayshore Bikeway.*

*Commissioner Naranjo next provided a report on the virtual Pepper Park Community Workshop held on Thursday, May 6. Commissioner Naranjo explained that 100 members of the community joined to discuss the future expansion of Pepper Park on the National City Bayfront. The workshop was promoted and offered in three languages - English, Spanish and Tagalog – a first for Port public outreach, which the Port received a lot of great feedback on that aspect. Many great comments were received about what the community would like to see in the park – like ways that National City's culture and history could be incorporated into the park through art, education, and activation; improved access to the water; and improved access to the park itself via walking, bike, public transportation. Port and KTU&A staff are now in the process of reviewing and evaluating the comments received, they will be drafting a summary report, and then will develop a plan for next steps in the design process. Videos of the workshop are available now at [portofsandiego.org/nationalcitybayfront](https://portofsandiego.org/nationalcitybayfront). Port staff is working to post the workshop transcripts, the questions received during the workshop along with answers to those questions, as well as all comments received during and following the meeting. Commissioner Naranjo encourages the community to view the videos and continue to provide input and send questions to [ncbayfront@portofsandiego.org](mailto:ncbayfront@portofsandiego.org) until Monday, May 24th. Commissioner Naranjo thanked the community for their past, present and future participation in this important public outreach and engagement process. The goal for*

*Pepper Park is to incorporate features and recreation opportunities that will help transform the park into a resource that both visitors and residents will cherish for years to come.*

*Commissioner Bonelli provided a report on the SANDAG Transportation Policy Committee. Commissioner Bonelli shared that SANDAG is nearing the culmination of the long planning process with the release of their 2050 Regional Transportation Plan which entails \$163 billion in funding. Commissioner Bonelli explained that he has been advocating for the Harbor Drive 2.0 project (a multi-jurisdictional, multi-modal corridor that moves people and goods/freight) to get the project in the forefront to get funding for design and implementation. Commissioner Bonelli also shared that during the meeting there was an interesting discussion regarding the effects of tele-working/tele-commuting. Initially the impression was that there would be less vehicles miles and less vehicles on the road, however, recent data shows that this is not the case, tele-working/tele-commuting allowed more discretionary trips. It may have helped with alleviating congestion during peak travel times, but not total trips or miles traveled. Commissioner Bonelli also shared that SANDAG has added a Social Equity component to their project planning process which will be used to strategically place whatever mode, programs, services, to focus on low-income communities, communities of color, and seniors to provide better access to jobs, schools, health facilities, and shopping.*

## **F. President's Report.**

*Joe Stuyvesant, President/CEO began by announcing that Tracey Sandberg, Chief Technology Officer, was recognized by the San Diego Business Journal as a Women of Influence in Technology. Ms. Sandberg was featured in a special section of the San Diego Business Journal that was published on April 26. Ms. Sandberg has more than 33 years of experience in technology. She was responsible for leading the recovery of the Port's infrastructure and applications after a cyber event in late 2018, and she led the transition of the Port's office-based workforce to work from home during a global pandemic and provided 24/7 IT support. Mr. Stuyvesant also announced that Ms. Sandberg was recently promoted to Chief Technology Officer.*

*Mr. Stuyvesant then recognized Annette Walton. Mr. Stuyvesant announced that Ms. Walton retired on April 30, 2021. Mr. Stuyvesant shared that Ms. Walton was hired on July 19, 2001 and has been the voice and the face of the Port for 20 years. Ms. Walton began her career with the Purchasing Department when they operated the print shop and mailroom. At that time, she was a Central Services Technician. Ms. Walton's legacy will be that she was there for people--the public, staff, tenants, stakeholders, the Board--everyone. In 2011, Ms. Walton was awarded The Chairman's Cup, the highest employee honor, for her customer service, by outgoing Chair Dukie Valderrama. Ms. Walton will be truly missed by all those she helped over the last 20 years. Mr. Stuyvesant asked Ms. Walton if she would like to say anything. Ms. Walton stated that she wanted to say thank you very much for everything.*

*Commissioner Malcolm, Commissioner Castellanos, Commissioner Moore, and Chairman Zucchet, provided comments--wished Annette the best, a happy retirement, and that she will be greatly missed.*

*Mr. Stuyvesant then announced that May is Maritime Month at the Port of San Diego. It's our region's unique celebration of National Maritime Day, which is May 22, and pays special tribute to the merchant marines and the global benefits the maritime industry provides. Mr. Stuyvesant encouraged everyone to visit the Port's website at [portofsandiego.org/maritime-month](http://portofsandiego.org/maritime-month) to read about the great stories of some of the people that make up our working waterfront. Mr. Stuyvesant explained that every year for*

*Maritime Month, the CEO and the Chairman provide a proclamation honoring individuals or organizations who make an impact on our maritime industry. This year Mr. Stuyvesant presented the proclamation for Maritime Month 2021 to Bruce Cummings, Brion Bargo, Darren Correa, Chris Anderson, David Carillo, Ian Fidel, Carson Gill, Isaac Gutierrez, Russel Keltner, Kyle Link, Tyrone Moody, Anthony Palombit, Luis Plancarte, Chris Sharp, and Evan Warren. Mr. Stuyvesant added that during the pandemic, our wharfingers never skipped a beat and never stopped the flow of cargo and operations for the Port of San Diego and region. Additionally, they collaborated with local agencies and stakeholders to assist with approximately 8,000 cruise passenger disembarkations during the onset of COVID. They planned and supported two large military operations at the Tenth Avenue Marine Terminal. They worked with the Commercial Fishermen to implement COVID health protocols ensuring public safety in our region.*

*Mr. Stuyvesant then announced that he is very pleased to report that--unless something changes--this will be his last COVID update. The Port has been fortunate that there has been no COVID-positive cases among employees in over three months, and for the employees that did contract COVID have for the most part recovered. Mr. Stuyvesant added that it is starting to get much busier around the Tidelands as people feel more comfortable going out. This positive trend will continue as those staff who have been working from home will begin returning to their offices starting June 1, 2021. Finally, the Port Administration Building will be reopened to the public beginning Monday, June 14, 2021.*

## **G. District Clerk's Announcements.**

*Sally Raney, Deputy District Clerk, announced that additional agenda-related materials were received by the Board for the following items: Action Item 13 - File No. 2021-0192; Action Item 14 - File No. 2021-0072; and Action Item 15 - File No. 2021-0119.*

*Additionally, staff requests that the Board consider to following items to be continued to a future Board meeting: Action Item 11 - File No. 221-0226, and Action Item 18 - File No. 2021-0218.*

*Ms. Raney then announced the Board action is no longer required for: Consent Item 9 - File No. 2021-0210 and Action Item 17 - File No. 2021-0129.*

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **APPROVAL OF MINUTES**

[2021-0227](#) Approval of minutes for:

April 13, 2021 - CLOSED SESSION

April 13, 2021 - BPC MEETING

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **CONSENT AGENDA**

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted the Consent Agenda as follows: Resolution 2021-061; Resolution 2021-062; Resolution 2021-063; Resolution 2021-064; Ordinance 3007, Ordinance 3008; Resolution 2021-065; Resolution 2021-066; and Ordinance 3009. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0071](#) RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 16-22, 2021  
  
**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-061 as part of the Consent Agenda.**
2. [2021-0137](#) RESOLUTION AUTHORIZING AMENDMENT NO. 3 TO THE MEMORANDUM OF AGREEMENT (MOA) WITH THE U.S. ARMY CORPS OF ENGINEERS FOR EXPEDITED AND PRIORITY REVIEW OF DISTRICT PROJECTS, FOR AN ADDITIONAL \$90,000 AND A NEW NOT TO EXCEED TOTAL OF \$465,000 AND EXTENDING THE MOA THROUGH DECEMBER 31, 2022. FUNDS FOR THE CURRENT FISCAL YEAR ARE BUDGETED  
  
**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-062 as part of the Consent Agenda.**

3. [2021-0183](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE CALIFORNIA COASTAL CONSERVANCY TO ACCEPT \$890,000 IN GRANT FUNDING TO CONSTRUCT AND CONDUCT LONG-TERM MONITORING OF A 2.5 ACRE NATIVE OYSTER LIVING SHORELINE PROJECT AT THE CHULA VISTA WILDLIFE RESERVE AND GRANTING INDEMNITY TO THE CALIFORNIA COASTAL CONSERVANCY

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-063 as part of the Consent Agenda.

4. [2021-0184](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH THE BUILDERS INITIATIVE TO ACCEPT \$700,000 IN GRANT FUNDING TO SUPPORT THE NATIVE OYSTER LIVING SHORELINE PROJECT AT THE CHULA VISTA WILDLIFE RESERVE, RESTORATIVE AQUACULTURE PLANNING, AND BLUE ECONOMY COORDINATION

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-064 as part of the Consent Agenda.

5. [2021-0203](#) SEAPORT VILLAGE:

A) ORDINANCE GRANTING A LEASE TO ALEXCO-USA, INC. DBA ZYTOUN GOURMET MEDITERRANEAN FOR A GREEK AND MEDITERRANEAN RESTAURANT LOCATED AT 881 W. HARBOR DRIVE, SUITE W-13 IN SAN DIEGO FOR A 10-YEAR TERM

B) ORDINANCE GRANTING A LEASE TO SKUBIC ENTERPRISES, LLC DBA OLD HARBOR DISTILLING COMPANY FOR A FAST-CASUAL RESTAURANT AND CRAFT TASTING ROOM LOCATED AT 809 W. HARBOR DRIVE, SUITE E4-A IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS)

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Ordinance 3007 and 3008 as part of the Consent Agenda.

6. [2021-0207](#) ADOPT A RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' MAY MEETING DATES FOR CALENDAR YEAR 2021

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-065 as part of the Consent Agenda.

7. [2021-0215](#) 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 JANUARY 1, 2021 THROUGH DECEMBER 31, 2030.

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-066 as part of the Consent Agenda.

8. [2021-0220](#) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE WITH HIGH SEAS MARINE ENTERPRISES, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY, TO UPDATE LEASE PROVISIONS AND EXTEND THE TERM OF THE LEASE BY 10 YEARS FOR AN EXTENSION FEE OF \$500,701.

On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Ordinance 3009 as part of the Consent Agenda.

9. [2021-0210](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-26 TO [name of contractor] IN THE AMOUNT OF \$ [recommended award amount] FOR THE SAND REPLENISHMENT AT KELLOGG BEACH FY 2021 PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2021 MAJOR MAINTENANCE PROGRAM AND OBLIGATED AS A RESULT OF GRANT FUNDING RECEIVED PURSUANT TO THE PASSAGE OF ASSEMBLY BILL 3101 IN SEPTEMBER 1978

Board action is no longer required for this item because the lowest responsible and responsive bid is within staff's authority to award.

Board action is no longer required for this item.

## **PUBLIC HEARING AGENDA**

10. [2021-0087](#) 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

*Josefina Khalidy, Principal, Maritime Business, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 10 - File No. 2021-0087 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Zucchet opened the Public Hearing for comments. No public came forward to speak.*

*Chairman Zucchet closed the Public Hearing.*

*No Commissioner comments were provided.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-067 and Ordinance 3010. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

11. [2021-0226](#) SUNROAD HIE HOTEL PARTNERS, L.P.'S PROPOSED SUNROAD HARBOR ISLAND EAST HOTEL PROJECT AT 851 HARBOR ISLAND DRIVE IN SAN DIEGO:

A) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT

B) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT

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. [2021-0125](#) A. RESOLUTION ADOPTING THE FY 2022 PRELIMINARY BUDGET AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS JUNE 15, 2021
- B. RESOLUTION AUTHORIZING THE USE OF OPERATING RESERVES TO FUND THE BUDGET DEFICIT OF APPROXIMATELY \$12.6M WHICH INCLUDES THE \$2.8M PREVIOUSLY APPROVED SEAPORT VILLAGE TENANT IMPROVEMENT PROJECT



*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0125 (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 to Joe Stuyvesant, President/CEO, to discuss human capital strategy for the proposed FY 2022 budget. Mr. Stuyvesant then turned the presentation back to Mr. DeAngelis to review the timeline, provide a recap of the April preliminary budget presentation, and review staff recommendations.*

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

*Commissioner LeSar and Commissioner Castellanos, and Chairman Zucchet provided comments.*

**On a motion by Commissioner Malcolm, seconded by Commissioner LeSar, the Board adopted Resolution 2021-068 and Resolution 2021-069. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**13. [2021-0192](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE, 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**

*Annette Dahl, Department Manager, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0192 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Dahl then turned the presentation over to Simon Kann, Deputy General Counsel, to review the concerns heard at the January stakeholder meeting, and the proposed changes to the ordinance. Mr. Kann then turned the presentation back to Ms. Dahl to discuss the next steps and staff recommendation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Troy Sears, Next Level Sailing; Sharon Cloward, President, San Diego Port Tenants Association; and Frank Ursitti, President, United Sport Fishers of San Diego.*

*Chairman Zucchet invited staff to respond to public comments received. Mark Stainbrook, Chief of Harbor Police, and Mr. Kann, responded. Commissioner Bonelli and Commissioner Malcolm provided comments and asked clarifying questions. Mr. Kann responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Ordinance 3011. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**14. [2021-0072](#) CHULA VISTA BAYFRONT**

(A) ORDINANCE AUTHORIZING 66-YEAR HOTEL GROUND LEASE BETWEEN THE DISTRICT AND RIDA CHULA VISTA, LLC (RIDA) FOR A RESORT HOTEL LOCATED IN THE CITY OF CHULA VISTA, WITH CONDITIONS; AND

(B) RESOLUTION CONSENTING TO THE MANAGEMENT AGREEMENT BETWEEN RIDA AND MARRIOTT INTERNATIONAL INC., WITH CONDITIONS

*Shaun Sumner, Vice President, Real Estate, Engineering, and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0072 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Sumner then turned the presentation over to Stephanie Shook, Department Manager, Real Estate, to provide overview of the leasing and operations agreements, the major changes to the hotel ground lease, the Gaylord Pacific management agreement, and staff recommendations.*

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

*Commissioner Moore, Commissioner Castellanos, Commissioner Malcolm, and Commissioner Bonelli, provided comments and asked clarifying questions. Ms. Shook, and Elizabeth Alonso, Deputy General Counsel, responded.*

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Ordinance 3012 and Resolution 2021-070. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**15.     [2021-0119](#)     PRESENTATION AND DIRECTION TO STAFF ON THE MARITIME CLEAN AIR STRATEGY (MCAS), INCLUDING AN OVERVIEW OF THE COMMENTS AND THEMES RECEIVED DURING PUBLIC REVIEW OF THE MCAS DISCUSSION DRAFT AND STAFF'S APPROACH TO UPDATING THE DOCUMENT**

*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. 2021-0119 (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 Maggie Weber, Senior Planner, Planning, to review what the Maritime Clean Air Strategy MCAS is, the regulatory setting, and the state guidance and complementary regional efforts. Ms. Weber then turned the presentation over to Simon Kann, Deputy General Counsel, to provide the legal complexity spectrum regarding prospective MCAS implementation tools. Mr. Kann then turned the presentation back to Ms. Weber to discuss the approach reflected within the discussion draft, the public engagement efforts and timeline, common public comment themes received, the proposed approach to revise the MCAS based on comments received and new sections. Ms. Weber then turned the presentation over to Larry Hofreiter, Program Manager, Planning, to discuss matters that arose during the public engagement process that staff would like to get further direction on before revising the MCAS. Mr. Hofreiter then turned the presentation back to Ms. Weber to discuss the next steps and close out the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Jose Rodriguez, Vice Mayor of National City; Micah Mitrosky, IBEW Local 569; Sophie Silvestri, Pasha Automotive Services; Sharon Cloward, San Diego Port Tenants Association; Sarah Marsh, Dole Fresh Fruit; Marcos Holguin, International Longshore and Warehouse Union Locals 29 and 94; Jack Monger, Industrial Environmental Association; Larry Schmitz, Terminalift; Danny Serrano, Environmental Health Coalition (provided presentation with time ceded by Angelica Estrada, Monserrat Hernandez, and Allie Fen); Colleen Clemenson, Director of Regional Planning, SANDAG; Dennis Dubard, General Dynamics/NASSCO; Elisabeth Wing; Frank Plant, Harborside Refrigerated Services; Jack Shu, Councilmember, City of La Mesa, and Board member of SANDAG and the Air Pollution Control District; Lydia Pellecer, Environmental Manager, BAE Systems, Inc.; Lea Urguby; Marcus Bush, Councilmember, City of National City; Maritza Garcia; Naomi (No last name provided); Anthony Soniga, President, International Longshore and Warehouse Union Local 29; Silvia Calzada; Todd Roberts, Marine Group Boat Works; Vanessa Garcia, Senior Public Affairs Manager, SDG & E; Angelica Ramirez; Alicia Sanchez; Carla Nava; Margarita Moreno; and Maria C. Villanueva.*

*Commissioner Naranjo, Commissioner Malcolm, Commissioner Castellanos, Commissioner Moore, Commissioner Bonelli, Commissioner LeSar, and Chairman Zucchet, provided comments and asked clarifying questions. Mr. Kann, Mr. Giffen, Philip Gibbons, Program Manager, Energy & Sustainability, responded, and Mr. Hofreiter responded.*

*Commissioner Malcolm left at 6:00 pm and was excused for the remainder of the meeting.*

- 
16. [2021-0154](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JUNE 15, 2021 MEETING
- On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board approved the proposed June agenda. The motion carried by the following vote:
- Yeas: 6 - Bonelli, Castellanos, LeSar, Moore, Naranjo, and Zucchet
- Nays: 0
- Excused: 1 - Malcolm
- Absent: 0
- Abstain: 0
- Recused: 0
17. [2021-0219](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF
- Board action is no longer required for this item.
- Board action is no longer required for this item.
18. [2021-0218](#) PRESENTATION FROM THE PORT AUDITOR ON BEST PRACTICES RELATED TO EXTERNAL AUDIT AND DIRECTION TO STAFF
- 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. [2021-0221](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:
- A) ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT CODE TO ADD ARTICLE X, SECTION X.XX - REGULATION OF WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS
- B) RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATIONS FACILITIES
- 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.

## **OFFICER'S REPORT**

20. [2021-0216](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2020-03 with Ahrens Mechanical /  
Increases Contract by \$7,788.00 and Extends Term thru 05-14-21 - VOID

B) Change Order No. 1 to Contract No. 2020-08 with Ahrens Mechanical /  
Increases Contract by \$7,788.00 and Extends Term thru 05-14-21

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

---

Tuesday, June 15, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner Moore

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, and Stuyvesant*

#### 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. [2021-0239](#) Closed Session Item No. 1

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

Defendant: Factory Mutual Insurance Company

*No reportable action was taken on this item.*

2. [2021-0254](#) Closed Session Item No. 2

THREAT TO PUBLIC SERVICES OR FACILITIES  
Government Code Section 54957

Consultation with Assistant Chief of San Diego Harbor Police Department;  
and Chief Information Security Officer - SDUPD

*No reportable action was taken on this item.*

3. [2021-0244](#) Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation Government Code Section 54956.9

One (1) Case

*No reportable action was taken on this item.*

4. [2021-0242](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

5. [2021-0243](#) 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

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

6. [2021-0241](#) Closed Session Item No. 6

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.*

7. [2021-0252](#) Closed Session Item No. 7

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 53,269 square  
feet of land area and 65,950 square feet of water area at the southwestern  
end of America's Cup Harbor, which parcel is commonly known as 2702  
Shelter Island Drive, San Diego, California 92106

Negotiating Parties:

Intrepid Landing, LLC dba. Intrepid Landing - William Ayyad, Kit Sparks  
SDUPD - Christian de Manielle, Christian Anderson, Chris Hargett, Tony  
Gordon, Shaun Sumner and David Jones

Under Negotiations: Price and Terms

*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, June 15, 2021

1:00 PM

Virtual Meeting

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Commissioner LeSar was excused until she arrived at 1:04 pm.*

*Officers Present: DeAngelis, Medina, Morales, Russell, and Stuyvesant*

#### 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.

##### *Environmental Advisory Committee*

*Commissioner Castellanos shared that the Environmental Advisory Committee (EAC) received three presentations. The first provided an update on Ocean Connectors, which is a multiyear curriculum program serving 5,000 fourth through seventh grade students in National City. Students visit the Living Coast Discovery Center, plant native plants, go whale watching, and remove trash. The second presentation featured the Ocean Discovery Institute, which is a living lab facility that provides in-class learning, fieldtrips, and after school programs within the community of City Heights which surrounds the Chollas Creek watershed. Staff also provided a high-level overview of sea level rise and coastal resiliency planning efforts, as well as, updated the Committee on monitoring, planning, adaptive management strategies, and funding opportunities. The next EAC meeting is scheduled for September 22, 2021.*

##### *Accessibility Advisory Committee*

*Commissioner LeSar provided a report on the Accessibility Advisory Committee (AAC)*

which met in April. The Committee reviewed and approved the past meeting summary, as well as the annual work plan which is on the June meeting agenda to be considered for Board approval. The Committee then received a presentation from staff on the dockless mobility device ordinance; permits, geofencing, enforcement, and education elements were highlighted as part of the draft document. The AAC also received an update on accessibility items related to the Coronado Ferry Landing. The removable ramps from the dock to the boats were widened and maintenance has been conducted to smooth the surface of the pier to improve accessibility. And lastly, AAC received an update on Electric Vehicle Charging Stations primarily focusing on ensuring van accessible spots and compliance with accessible paths of travel.

#### *Audit Oversight Committee*

Commissioner Malcolm provided a report on the Audit Oversight Committee which met on June 8, 2021. The agenda included a presentation from Mark Yeilding, Port Auditor, on the proposed FY21/22 Audit Plan, which the Audit Oversight Committee recommended the plan, and will be submitted by Mr. Yeilding to the Board for approval today. Mr. Yeilding also presented the benchmarking study conducted on best practices related to external audit firms as well as public audit oversight committee members. Mr. Yeilding will also present this in full to the board today. Jane Mascarenas, Acting Assistant 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 then discussed the status of hotline reports received through the District's Ethics Hotline.

#### *Maritime Stakeholder Forum*

Commissioner Malcolm then provided a report on the Maritime Stakeholder Forum (MSF) which met on June 9th. Commissioner Malcolm explained that he was joined by Commissioner Moore and Commissioner Castellanos. Fifty-eight attendees from 19 organizations participated. The MSF received presentations including the port's online maritime month campaign which focused heavily on highlighting some of the hardworking individuals on the waterfront. From wharfingers, to crane operators, to ship agents - maritime month celebrated the individuals who "keep the hook moving". Other presentations included: a MCAS Draft update; a preview of the Tenth Avenue Marine Terminal liner business development; and an update regarding the Cruise CDC Guidelines and re-opening for San Diego. Cruises are scheduled to come back to San Diego this fall.

## **E. Commissioners' Reports.**

#### *AB619 Steering Committee*

Commissioner Naranjo provided a report on the May 18th AB 617 Steering Committee meeting. Commissioner Naranjo explained that the Air District staff facilitated a discussion on: potential metrics that the Steering Committee would like to see included in the AB 617 CERP, and the types of projects that the Steering Committee would like to prioritize for AB 617 Funding. Also, Air District staff used Mentimeter to ask Steering Committee members a couple of questions about how they would like AB 617 funding to be used which were: "What are the important things you want to see with the incentive funds?" and "Please rank the following potential projects in order from most important to least important?". In response to the first question a word cloud with 25 respondents showed that Electric Trucks, Equity and Cleaner Air were the most popular responses, and in response to the second question 24 Steering Committee members indicated that their 1st Priority was Air Filtration at schools and homes; 2nd Priority was an Electric Truck Pilot Program; 3rd Priority was Zero Emission Port Equipment. These data

*represent a brief snapshot in time but seem to suggest that the Port's recent \$488,000 investment from its Maritime Industrial Impact Fund to install Air Filters at Perkins Elementary school, as well as the Port's efforts to advance an Electric Truck Program and to replace diesel equipment with electric equipment are generally well aligned with the community's priorities. Commissioner Naranjo then announced that Phase II of the AB 617 CERP was made available on the Air District's website for public review.*

#### *Perkins Elementary School in Barrio Logan*

*Commissioner Castellanos shared that he and Commissioner Naranjo visited Perkins Elementary School in Barrio Logan to learn first-hand about the value of the air filtration systems that the Port purchased for installation at the school, which is located in the neighborhood adjacent to our Tenth Avenue Marine Terminal. The Board of Port Commissioners voted in January 2020 to contribute approximately half a million dollars on an enhanced air filtration system as part of the San Diego City School District's more than \$2 million heating, ventilation and air conditioning project at the school. Barrio Logan has been determined by state as a community with some of the worst air quality in California. The Board's decision to pay for the air filtration systems from the Port's Maritime Industrial Impact Fund is making a real difference in the lives of the 430 students, teachers, and staff at the school where as many as 18 percent of the students have been diagnosed with asthma. Altogether, the Port paid for air filtration systems in 16 classrooms, six administrative offices, and a large media center and multi-purpose room in the five permanent buildings at the school, which serves kindergarten through eighth grades.*

*Commissioner Naranjo added that Principal Hernandez said about 37 percent of students are homeless. By contrast, about 3 percent were homeless back in 2014. Some of the students have parents who work multiple jobs to make a living, leaving little opportunity to spend quality time with their children. Principal Hernandez said for many of his students, Perkins Elementary is a sanctuary. Principal Hernandez said the air is much cleaner than it was in the early to mid-2000s when the school had to frequently close its windows that face the waterfront to keep out dirty air. Some of the improvement is due to the Port's installation of shore power in 2014 at the Tenth Avenue Marine Terminal for use by Dole Fresh Fruit cargo ships. The Port is working to expand shore power at the terminal, which will bring additional relief to the community and the school. Also the Port's Maritime Clean Air Strategy will also reduce air pollution in the community as it is implemented.*

#### *World Trade Center San Diego*

*Commissioner LeSar provided a report for the World Trade Center San Diego (WTC). Commissioner LeSar explained that the WTC has three member organizations, San Diego County Regional Airport, Port of San Diego, and the City of San Diego, and meets 2 - 3 times year. Highlights of the June meeting included: an update on the 2021 WTC work plan; status update on license holder deliverables; and a status update on 2025 Go Global Regional Strategy Plan.*

#### *San Diego Regional EDC Meeting*

*Commissioner LeSar then reported on the San Diego Regional EDC Meeting. Highlights of the meeting included: discussion regarding going back to work requirements; presentation on NAVWAR development opportunities, scenarios, and potential for up to 10,000 housing units; and changing EDC Board leadership terms from 1 year to 2 years for the Chair.*

**F. President's Report.**

*Joe Stuyvesant, President/CEO began by reporting the Port is seeing positive trends across the board: business activities on the tidelands are improving; the Port has opened the Port Administration Building to the public; the Convention Center will begin hosting conventions starting in August; and the Big Bay Boom is back.*

*Mr. Stuyvesant then announced that American Recovery Act Stimulus relief funds for Ports is in the State's proposed budget which has passed the Senate and Assembly and is now with the Governor for signature. State Lands Commission will be responsible for distributing funds. Assuming the budget bill is signed, Port staff will be returning to the Board in July with further information on distribution rules and potential spending recommendations. This will provide the Port the opportunity to recover from losses experienced from the pandemic.*

*Mr. Stuyvesant then announced that the Port is an organization that values diversity, equity, and inclusion the Port supports pride month. The Port is proudly displaying the Pride Flag at all 8 locations. The Port is celebrating the L G B T Q I A + team members in a number of ways, including a Pride Panel at the end of June with Commissioners Naranjo and LeSar, plus staff members Joel Valenzuela and Eugene Wheeldon. The Port is a proud ally which champions the fight for equality, and works to challenge any discrimination against the L G B T Q I A + community.*

*Port facilities have fully opened to Port staff and the public in June. Port staff who had been working remotely due the pandemic began coming back into Port offices on June 1 using a phased approach over a three-week time period. Prioritization was based on the need to support public services. Port staff will continue to monitor changes to State and County measures and make the necessary changes accordingly.*

*Jason Giffen, Vice President, then shared an update on some new and existing Blue Economy partnerships. Mr. Giffen explained that on today's consent agenda is an item authorizing the District to enter into a Memorandum of Understanding with Canada's Ocean Supercluster. Canada's Ocean Supercluster is a private sector-led partnership concentrated in Atlantic Canada that brings together startups, scaleups, and mature organizations to increase sustainable innovation and modernization across oceans sectors. District and Ocean Super Cluster staff have identified various collaborative opportunities that may benefit each organization and emerging businesses in our respective Blue Economy innovation ecosystems. The purpose of the MOU is to advance a collaborative partnership to cooperatively explore opportunities for program alignment to support the development and scaling of innovative solutions that promote the Blue Economy at ports.*

*Mr. Giffen also provided a quick update on the Port's partnership with Sunken Seaweed which are exploring the unique bioremediation characteristics of the green seaweed, Ulva, commonly known as sea lettuce. Sunken Seaweed is measuring the growth of sea lettuce and how sea lettuce can uptake various nutrients such as nitrogen, phosphorus, and carbon as well as heavy metals, and they are exploring market opportunities for the resulting seaweed biomass.*

*Mr. Giffen then shared a quick photo update of the interlocking tide pools at Harbor Island. EConcrete deployed the first worldwide installation of an innovative and scalable bio-enhancing shoreline stabilization technology, the COASTALOCK tide pools in February. The tidepools serve as a replacement for traditional riprap, while providing ecological armoring and shoreline stabilization, while also creating well-defined local*

*ecosystems that mimic natural tide pools. After only 2.5 months there is already “green” growth on the tide pool units.*

*Michael Brown, Vice President, Marketing & Communications, announced that after 16 months the Port of San Diego Big Bay Boom is back for its 20th Anniversary show. This is an important milestone for bringing attractions back to the San Diego bay and supporting the tourism economy and tenant businesses. The regional economic impact of the Big Bay Boom is reported to be over \$10 million in incremental sales that directly benefit area hotels, restaurants and numerous visitor serving businesses. The Port is preparing for the largest turnout ever and will have all Traffic Control Officers on duty and the Harbor Police fully staffed. The Harbor Police has developed an Incident Action Plan to coordinate with multiple local, state and federal partners to ensure security measures are in place to handle such a big event on both land and water. Fireworks will be discharged from four barges positioned in the bay starting at approximately 9 p.m. on Sunday the 4th.*

*Mr. Stuyvesant then announced that Port staff will be technologically prepared to provide an in-person, as well as virtual, Board meeting in July.*

## **G. District Clerk’s Announcements.**

*Donna Morales, District Clerk, announced that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 9 - File No. 2021-0248 and Item 13 - File No. 2021-0128.*

*Additionally, staff requests to continue the following item to a future Board meeting: Item 2 - File 2021-0240.*

**On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board approved the requested docket changes. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **APPROVAL OF MINUTES**

[2021-0250](#) Approval of minutes for:

May 11, 2021 - CLOSED SESSION

May 11, 2021 - BPC MEETING

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

## **CONSENT AGENDA**

*Commissioner Castellanos requested to pull Item 4 - File No. 2021-0211 from consent.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the remainder of the Consent Agenda as follows: Resolution 2021-071; Resolution 2021-072; Resolution 2021-073; Resolution 2021-074; and Resolution 2021-075. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0098](#) RESOLUTION AUTHORIZING AMENDMENT NO. 04 TO AGREEMENT NO. 148-2019MA WITH APEX COMPANIES, LLC FOR CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$220,000.00 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$759,922.80 TO \$979,922.80. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM FOR THE SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION AND THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECTS. THIS ACTION DOES NOT INCREASE THE PROJECT BUDGETS.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-071 as part of the Consent Agenda.**

2. [2021-0240](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2020-12 TO <Name of Contractor> IN THE AMOUNT OF \$XXXX FOR THE CONCRETE REPAIRS AT SAN DIEGO HILTON BAYFRONT GARAGE DECK 7 PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY2021 MAJOR MAINTENANCE PROGRAM

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. [2021-0190](#) RESOLUTION AUTHORIZING AMENDMENT NO. 9 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$290,000 FOR A NEW MAXIMUM AMOUNT OF \$3,651,000; EXTENDING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL FIVE (5) MONTHS ENDING NOVEMBER 30, 2021; AND REMOVING PUBLIC COMFORT STATIONS AND DRINKING FOUNTAIN JANITORIAL SERVICES FROM THE AGREEMENT EFFECTIVE SEPTEMBER 30, 2021. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. ALL JANITORIAL SERVICES REQUIREMENTS FOR FISCAL YEAR 2022 ARE BUDGETED AND WILL BE EXPENDED AGAINST DEPARTMENT NON-PERSONNEL EXPENSE (NPE) BUDGETS.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-072 as part of the Consent Agenda.**

5. [2021-0213](#) RESOLUTION APPROVING THE CALENDAR YEAR 2021 WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO BPC POLICY NO. 018: BOARD ADVISORY COMMITTEES

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-073 as part of the Consent Agenda.**

6. [2021-0228](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND CANADA'S OCEAN SUPERCLUSTER TO ADVANCE A COLLABORATIVE PARTNERSHIP TO COOPERATIVELY EXPLORE OPPORTUNITIES FOR PROGRAM ALIGNMENT AND INVESTMENT TO SUPPORT THE DEVELOPMENT AND SCALING OF INNOVATIVE SOLUTIONS THAT PROMOTE THE BLUE ECONOMY AT PORTS

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-074 as part of the Consent Agenda.**

7. [2021-0233](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT FOR LEGAL SERVICES WITH ORRICK, HERRINGTON & SUTCLIFFE LLP INCREASING THE MAXIMUM AMOUNT BY \$715,000 FROM \$1,255,850 to \$1,970,850; FY 2021 EXPENDITURES ARE BUDGETED; FY 2022 EXPENDITURES ARE INCLUDED IN THE PROPOSED FY 2022 FINAL BUDGET.

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm the Board adopted Resolution 2021-075 as part of the Consent Agenda.**

**PUBLIC HEARING AGENDA**

- 8.1      [2021-0126](#)      A. CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2022 FINAL BUDGET
- B. RESOLUTION WAIVING BPC POLICY NO. 730 - PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$662K TO THE ENVIRONMENTAL FUND AS REFLECTED IN THE FY 2022 BUDGET
- C. RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$159K TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF) AS REFLECTED IN THE FY 2022 BUDGET
- D. RESOLUTION WAIVING BPC POLICY NO. 117 - OPERATING RESERVE POLICY, TO ALLOW THE USE OF OPERATING RESERVE TO PARTIALLY FUND THE FY 2022 BUDGET, HOWEVER THE OPERATING RESERVE BALANCE SHALL IN NO EVENT GO BELOW THE MINIMUM REQUIRED \$20M.

**This Action Item was adopted.**

- 8.2      [2021-0036](#)      ORDINANCE AMENDING SALARY ORDINANCE NO. 2980 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 2021/2022

**This Action Item was adopted.**

*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 8.1 and 8.2 - File No.'s 2021-0126 and 2021-0036 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Zucchet opened the hearing for public comment. The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Health Coalition.*

*Commissioner Naranjo, Chairman Zucchet, Commissioner Castellanos, Commissioner Malcolm. and Commissioner Bonelli, provided comments and asked clarifying questions. Robert DeAngelis, and Joe Stuyvesant, President/CEO, responded.*



Commissioner Castellanos called for a motion to adopt the recommended budget as listed for Item 8.1 and 8.2 with the exception of waiving Section C--do not waive Board Policy 773 to waive funding the MIIF. Further that the Port agrees that in future years, as--and if--the district generates revenues exceeding expenses enabling the Port to fully fund and maintain the operating reserves pursuant to BPC Policy 117, that the Port will reclassify the excess funds to fully fund both MIIF and Environmental fund with respect to what the Port didn't fund last year (FY2021) and what the Port won't fund the Environmental fund this coming year (FY2022). Commissioner Naranjo seconded the motion. Thereby adopting Ordinance 3013, Resolution 2021-076, Resolution 2021-078, Ordinance 3014, and Resolution 2021-079. The motion carried by the following vote:

**Yeas:** 6 - Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 1 - Bonelli

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **ACTION AGENDA**

4. [2021-0211](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS-NEEDED REAL ESTATE CONSULTING 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 FIVE YEARS FROM JULY 1, 2021 TO JUNE 30, 2026. THESE AS-NEEDED SERVICES WILL SUPPORT DISTRICT OPERATIONAL OR STRATEGIC PRIORITIES. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED IN FISCAL YEAR (FY) 2022. 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.

- A) CBRE, INC.
- B) KEYSER MARSTON ASSOCIATES, INC.
- C) PRO FORMA ADVISORS, LLC.
- D) JONES LANG LASALLE AMERICAS, INC.
- E) AECOM TECHNICAL SERVICES, INC.
- F) ERNST & YOUNG, LLP.
- G) TS WORLDWIDE, LLC. DBA HVS
- H) LONDON MOEDER ADVISORS
- I) MAURICE ROBINSON & ASSOCIATES LLC.
- J) RSG, INC.
- K) BAE URBAN ECONOMICS, INC.

- L) CIVITAS, INC.
- M) KPMG, LLP.
- N) HR&A ADVISORS, INC.
- O) THE DORE GROUP
- P) ZENITH CONSULTANTS
- Q) PARAGON PARTNERS, LTD.
- R) OVERLAND, PACIFIC AND CUTLER, LLC.

*Commissioner Castellanos requested to pull this item from Consent.*

*Shaun Sumner, Vice President, Real Estate, provided a short overview of the process used for the selection of the agencies for the benefit of the public.*

*Commissioner Castellanos, and Commissioner LeSar, provided comments and asked clarifying questions. Anthony Gordon, Director, Real Estate, Job Nelson, Chief Policy Strategist, Shirley Hirai, Manager, Diversity, Equity, and Inclusion, and Joe Stuyvesant, President/CEO, responded.*

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board continued Consent Agenda Item 4 - File No. 2021-0211 to a future Board meeting. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**9. [2021-0248](#) CHULA VISTA BAYFRONT**

**ORDINANCE AUTHORIZING:**

(A) PROJECT IMPLEMENTATION AGREEMENT AMONG THE DISTRICT, THE CITY OF CHULA VISTA (CITY), THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY (AUTHORITY), RIDA CHULA VISTA, LLC (RIDA), AND THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT (SPECIAL TAX DISTRICT) FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE (PHASE 1A IMPROVEMENTS) AND A CONVENTION CENTER

(B) SITE LEASE BETWEEN THE DISTRICT AND THE AUTHORITY (SITE LEASE) FOR THE LAND NECESSARY TO CONSTRUCT A CONVENTION CENTER LOCATED IN THE CITY OF CHULA VISTA

(C) AMENDMENT TO THE FISCAL YEAR (FY) 2022 BUDGET INCREASING THE FY 2022 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$2,875,000 TO BE FUNDED FROM THE

---

PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS

RESOLUTION AUTHORIZING:

(D) BOND PURCHASE AGREEMENT BETWEEN JP MORGAN SECURITIES LLC, THE AUTHORITY, THE DISTRICT, THE SPECIAL DISTRICT, AND THE CITY FOR THE PURCHASE AND SALE OF TAXABLE AND TAX-EXEMPT BONDS ISSUED BY THE AUTHORITY

(E) AMENDMENT NO. 1 TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE DISTRICT AND CITY

(F) MUTUAL LEASE AND SUBLEASE ENFORCEMENT AGREEMENT BETWEEN THE DISTRICT AND CITY

(G) AMENDMENT INCREASING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE SWEETWATER PARK PROJECT AND INITIAL FUNDING OF \$2,175,000 AND INCREASE CAPITAL LABOR BY \$700,000 TO BE FUNDED FROM RESTRICTED RESERVES FROM THE PACIFICA LAND EXCHANGE FEE

(H) CONTRIBUTE \$125,000 TO THE PUBLIC ART FUND FOR PUBLIC ART IN THE SWEETWATER PARK PROJECT PER BPC POLICY 609 TO BE FUNDED FROM THE PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS

(I) AGREEMENT NO. 56-2021RH WITH KTUA FOR SWEETWATER PARK DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,033,694.22 BUDGET FOR THIS AGREEMENT IS INCLUDED IN THE INITIAL FUNDING OF \$2,175,000 IN THE SWEETWATER PARK PROJECT IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

*Commissioner Castellanos, in an abundance of caution and to avoid any appearance of impropriety, recused himself from this item due to a relationship one of his law partners has with the landscape architect KTUA.*

*Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2021-0248 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Sumner then turned the presentation over to Stephanie Shook, to: review the staff recommendations and requested Board actions; recognize and acknowledge the current project teams for the Port, City of Chula Vista, and RIDA, as well as project partner agencies; and provide an overview and summary of the transaction documents. Ms. Shook then turned the presentation over to Mark McIntire, Capital Project Manager, Engineering-Construction, for an explanation on the requirements necessary to advance Sweetwater and Harbor park and provide an update on the projects' schedules. Mr. McIntire then turned the presentation back to Ms. Shook to discuss the finding of public benefit, delegation of authority, next steps, and to close presentation.*

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

*Commissioner Moore, Commissioner LeSar, Chairman Zucchet, Commissioner Malcolm, and Commissioner Bonelli, provided comments.*

*Ira Mitzner, CEO, RIDA, provided comments.*

**On a motion by Commissioner Moore, seconded by Commissioner Malcolm, the Board adopted Ordinance 3015 (Items A - C). The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

**On a motion by Commissioner Moore, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-080 (Items D - I). The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

**10. [2021-0208](#) INFORMATIONAL PRESENTATION FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) STAFF ON THE SAN DIEGO - LOSSAN REGIONAL RAIL CORRIDOR IMPROVEMENTS STUDY UPDATE**

*Aimee Heim, Manager, Grants & Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2021-0208 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Heim then turned the presentation to Daniel Veeh, SANDAG, to provide an overview of the SD- LOSSAN Regional Rail Corridor Improvements Study Update.*

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

*Commissioner Bonelli, Chairman Zucchet, and Commissioner Moore provided comments.*

**11.     [2021-0236](#)     INFORMATIONAL UPDATE ON THE STATUS OF THE PORT ELECTRIFICATION IMPLEMENTATION STRATEGY AND DIRECTION TO STAFF**

*Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2021-0236 (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 over to Josefina Khalidy, Principal, Maritime, to provide example dashboards that represent a snapshot of the data that is being collected and used in staff's analysis for the electrification opportunities and implementation efforts. Ms. Khalidy then turned the presentation to Maggie Weber, Senior Planner, Planning and Green Port, to discuss the cumulative reductions that could be achieved if these examples opportunities were to be implemented. Ms. Weber then turned the presentation back to Mr. LaFleur to discuss the implementation process and efforts since last month's Board meeting, and next steps.*

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

*Commissioner Naranjo, and Chairman Zucchet provided comments.*

**12.     [2021-0235](#)     MUNICIPAL SERVICES AGREEMENTS:**

(A) RESOLUTION AUTHORIZING A 9-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2030 WITH THE CITY OF NATIONAL CITY FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF NATIONAL CITY, WITH BASELINE RESETS IN 2022 AND 2025

(B) RESOLUTION AUTHORIZING A 5-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2026 WITH THE CITY OF SAN DIEGO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF SAN DIEGO, WITH BASELINE RESETS IN 2023 AND 2025

(C) RESOLUTION AUTHORIZING A 1-YEAR EXTENSION TO THE EXISTING MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2022 WITH THE CITY OF CORONADO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO

*Shaun Sumner, Vice President, Real Estate, Engineering, and Facilities, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 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: None.*

*Chairman Zucchet, Commissioner Naranjo, Commissioner Castellanos, Commissioner Bonelli, provided comments.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-081, Resolution 2021-082, and Resolution 2021-083. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Chairman Zucchet turned the meeting over to Vice-Chair Malcolm for the remainder of the meeting at 4:39 pm.*

- 13.     [2021-0128](#)     SHELTER ISLAND YACHT BASIN DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:**
- A.   INFORMATIONAL UPDATE ON THE STATUS OF THE PROGRAM, INCLUDING WATER QUALITY RESULTS, LOAD REDUCTION EFFORTS AND COORDINATION WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD ON TMDL IMPLEMENTATION ACTIONS; AND**
  - B.   DIRECTION TO STAFF ON INITIATING AN IN-WATER HULL CLEANING PILOT STUDY THAT WOULD REQUIRE A TEMPORARY PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND**
  - C.   DIRECTION TO STAFF ON DETERMINING A VOLUNTARY OR MANDATED IMPLEMENTATION APPROACH FOR AN IN-WATER HULL CLEANING PILOT STUDY.**

*Jason Giffen, Vice President, Planning, Environment and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0128 (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 Karen Holman, Director, Environmental Protection, to provide overview of the staff presentation, and context about the regulation that is in place for Shelter Island currently. Ms. Holman then turned the presentation over to Kelly Tait, Program Manager, Environmental Protection, to discuss compliance efforts and activities to date. Ms. Tait then turned the presentation back to Ms. Holman to further discuss the pilot study, get direction from Board, and close out the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: David Gibson, Water Quality Control Board; Jeremy Hass, Water Quality Control Board; John Adriani; Sharon Cloward, San Diego Port Tenants Association; Aniela Burant, California Department of Pesticide Regulation; and Jason Soule, Aquarius Yacht Services.*

*Vice-Chair Malcolm, Commissioner LeSar, Commissioner Castellanos, Commissioner Bonelli, provided comments, and asked clarifying questions. Mr. Giffen and Ms. Holman responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the Board provided direction to initiate an in-water hull cleaning pilot study and require a mandatory pause of in-water hull cleaning of vessels with copper-based paint in Shelter Island Yacht Basin for an eight-week period starting approximately mid-December 2021 and continuing through mid-February 2022. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 1 - Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 14.**     [2021-0206](#)     **RESOLUTION APPROVING THE AUDIT PLAN FOR FY21/22 PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR**
- Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0206 (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 LeSar provided comments.*

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-084. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 1 - Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**15. [2021-0189](#) PRESENTATION FROM THE PORT AUDITOR ON BEST PRACTICES RELATED TO EXTERNAL AUDIT AND PUBLIC AUDIT OVERSIGHT COMMITTEE MEMBERS WITH DIRECTION TO STAFF**

*Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0189 (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 LeSar, Commissioner Naranjo, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Yeilding responded.*

**16. [2021-0038](#) INFORMATIONAL PRESENTATION ON THE RESEARCH AND DEVELOPMENT DISTRICT (RADD) PROJECT ON THE NAVY BROADWAY COMPLEX SITE, ADJACENT TO DISTRICT TIDELANDS, IN THE CITY OF SAN DIEGO**

*Taylor Stack, Asset Manager, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0038 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Stack then turned the presentation to IQHQ to provide an overview of the RaDD (Research and Development District) project.*

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

*Commissioner Castellanos, Commissioner Bonelli, Vice-Chair Malcolm, provided comments and asked clarifying questions. IGHQ staff, Ms. Stack, and Rebecca Harrington, Senior Deputy, General Counsel's Office, responded.*

**17. [2021-0155](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 13, 2021 MEETING**

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board approved the proposed July agenda. The motion carried by the following vote:**

**Yeas:** 4 - Bonelli, Castellanos, Malcolm, and Naranjo

**Nays:** 0

**Excused:** 3 - LeSar, Moore, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**OFFICER'S REPORT**



**18.     [2021-0245](#)     OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2020-24 with Sun Pro Tinting, Inc. /  
Changes to Material Used

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 San Diego Fishermen's  
Working Group for Right of Entry to Conduct Leasing Due Diligence for  
Vacant Space Located in the Chesapeake Fishing Building, for total  
amount \$1,208.00

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 Mrs. Kelly's, Inc. dba  
Point Loma Seafoods for Rental Period Beginning 02/01/21

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

A) Encumbrance Review and Consent for Lease with SSD Holdings, LLC  
for SSD Grand Avenue Partners, LLC Loan in the Amount up to  
\$100,000.00

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

A) Amended, Restated and Combined Lease with Cahuenga III, LLC, a  
Delaware Liability Company dba Kona Kai Resort and Marina for  
Operation of Hotel and Marina, Dock & Dine, and Other Related Purposes  
thru 04-30-54

B) Amendment No. 4 to Lease (#70907) with Seaport Entertainment, LLC  
/ Deletes and Replaces Section 4, Section 4.2.4, Section 8.1.1

C) Amendment No. 1 to Lease (#70899) with Traveler's Convenience, Inc. dba Seaport Market - Amends Section 1 Regarding Premises, Paragraph 4.3 About Tenant's Proportionate Share of Operating Expenses, and the Site Plan in Exhibit B

*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, July 13, 2021

10:00 AM

Don L. Nay Port Administration Boardroom

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner Moore

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding.*

#### B. Public Communications.

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

*Donna Morales, District Clerk, announced that additional agenda-related materials were received by the Board after the publication of the agenda for Closed Session Item 3 - File No. 2021-0278.*

#### **CLOSED SESSION**

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

1. [2021-0273](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald,

Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2021-0274](#) Closed Session Item No. 2

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  
Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2021-0278](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Seaport Village Leasing (Suite W9) - Approximately 9,684 square feet of building area located in Seaport Village at 861 W. Harbor Drive, San Diego

Negotiating Parties:

Water View Restaurants, Inc. - Diana L. Patrick and Mike Fry

LB 4 Fish LLC - John Sangmeister

R.I Properties, Inc. - Don Moser, Allison Campbell

SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Lucy Contreras, Alexa Paulus

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0277](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Seaport Village Leasing (Suite B1) - Approximately

2,272 square feet of building area located in Seaport Village at 885 W. Harbor Drive, San Diego

Negotiating Parties:

Water View Restaurants, Inc. - Diana L. Patrick and Mike Fry

Hamptons Newport Beach, LLC. - Heinrich Stasiuk

R.I Properties, Inc. - Don Moser, Allison Campbell

SDUPD - Shaun Sumner, Tony Gordon, Adam Meyer, Lucy Contreras, Alexa Paulus

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

5. [2021-0275](#) 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 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.*



\_\_\_\_\_  
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, July 13, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner Moore

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding.*

#### 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, 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: Sandy Purdon, Big Bay Boom.*

*Commissioner Castellanos provided comment regarding the Big Bay Boom thanking Sandy Purdon, and gave a special shout out to Harbor Police and the other law enforcement agencies that made sure the event was successful and safe. He was extremely impressed with the event, and proud to be a Port Commissioner.*

#### E. Board Committee Reports.

*No Board committee reports were provided.*

#### F. Commissioners' Reports.

*Commissioner Naranjo provided a report regarding the AB 617 steering committee. Commissioner Naranjo shared that during June 15, 2021 meeting, the AB 617 Steering Committee voted to approve Phase II of the AB 617 Community Emission Reduction Plan (or CERP). The AB 617 CERP is scheduled to go to the San Diego County Air Pollution Control Board for review and approval Friday, July 16th, and then to the California Air Resources Board on October 14 for final approval. Port staff is scheduled to provide a status update on the Port's Draft Revised MCAS to the San Diego County Air*

*Pollution Control Board.*

*Chairman Zucchet provided a report on the June 21 news conference with Holland America Line. During the news conference Holland America announced the schedule for their upcoming season. Holland America has scheduled 43 cruises out of San Diego and will be requiring all passengers to be vaccinated. The first San Diego cruise is scheduled for September 18, 2021.*

*Commissioner Castellanos recognized Chief Stainbrook and his achievements related to community policing prior to working with the Port, as well as his current achievements working with community leaders to bridge the gap with respect to the issues that are of extreme importance right now.*

## **G. Special Recognition.**

*Chief Mark Stainbrook, Harbor Police, recognized Officer Eugene Wheeldon for 15 years of service.*

## **H. President's Report.**

*Joe Stuyvesant, President/CEO, began by sharing that the Port received an update from the State Lands Commission on their timeline for application and funding from the American Rescue Plan. The application period begins on July 19 and applications are due by August 7. It will be a quick turnaround and staff has begun putting together the revenue loss calculations based upon the Treasury Department's Guidance. Port staff anticipates official board action in the fall, staff will keep the Board posted as information becomes available.*

*Mr. Stuyvesant then remarked about the Big Bay Boom, and thanked Sandy Purdon, and expressed his admiration for Parks & Recreation, General Services, and Harbor Police, for an outstanding show.*

*Mr. Stuyvesant then provided an update on Diversity, Equity and Inclusion efforts. The Port has elevated the Diversity, Equity and Inclusion function by making it a stand-alone autonomous unit within the organization. The Port is engaging with staff on the topics of structure, training, engagement and staff events, which include videos featuring staff highlighting Black History, Women's History, and Pride months, as well as townhall meetings that featured Port staff and commissioners for Women's History and Pride months. The Port is pursuing meaningful engagement in the community with: Harbor Police's Stand in the Gap; being an Anchor Institution participant with the San Diego Regional Economic Development Council; active participation with the NAACP; and participation in the Central San Diego Black Chamber of Commerce. The Port also held an introductory meeting of DEI program administrators around the region to create a network of support and collaboration on the DEI journey. Internally the Port has created a DEI Council which represents a diverse group of employees motivated to improve outreach, recruitment, retention, and community relations to ensure diversity, equity, and inclusion in the Port's workforce and contracting. Mr. Stuyvesant recognized Shirley Hirai, Ameshea Hines Taylor and Toshma Brown, and thanked them for being leaders who work to make the Port better.*

*Mr. Stuyvesant then announced changes in the Port's Executive Leadership Group (ELG). Cid Tesoro has been promoted to Vice President of Facilities & Engineering. Mr. Tesoro will oversee the Port's General Services and Engineering/Construction Departments. Job Nelson is now the Port's Vice President of Strategy & Policy. Mr. Nelson will oversee the Energy, Government & Civic Relations, and Diversity, Equity & Inclusion (DEI) teams. In*

*addition to Mr. Nelson's and Mr. Tesoro's promotions, the Development Services Department will shift to Shaun Sumner, whose title is now Vice President of Business Operations and, Jason Giffen's title is now Vice President of Planning and Environment.*

*Mr. Stuyvesant then shared that the Port has 84 Vacancies as of July 12. There are about 40 positions in various phases of the recruiting and hiring process. The Port is casting a very wide net with the objective of bringing on talented and diverse people to join the team. For those interested, please check the [portofsandiego.org](http://portofsandiego.org) webpage regularly for a wide variety of opportunities.*

## **I. District Clerk's Announcements.**

*Donna Morales, District Clerk, announced that the Board received additional agenda-related materials after the publication of the agenda for Action Item 9 - File No. 2021-0265.*

*Additionally, staff requests the following items be continued to a future Board meeting: Consent Agenda Item 1 - File No. 2021-0269; Consent Agenda Item 4 - File No. 2021-0270; Action Agenda Item 10 - File No. 2021-0271; and Action Agenda Item 11 - File No. 2021-0272.*

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

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **APPROVAL OF MINUTES**

[2021-0280](#) Approval of minutes for:

June 15, 2021 - CLOSED SESSION

June 15, 2021 - BPC MEETING

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

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0



Recused: 0

## **CONSENT AGENDA**

*Commissioner LeSar requested the Consent Agenda Item 6 - File No. 2021-0259 be removed from Consent.*

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted the remainder of the Consent Agenda as follows: Resolution 2021-085; Resolution 2021-086; and Resolution 2021-087. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**1. [2021-0269](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH:**

- A) AGREEYA SOLUTIONS, INC.
- B) AMICK BROWN, LLC.
- C) ASPIREHR, INC.
- D) CGI TECHNOLOGIES AND SOLUTIONS, INC.
- E) CRITIGEN, LLC.
- F) DATAMANUSA, LLC.
- G) DELOITTE CONSULTING, LLP.
- H) EPI-USE AMERICA, INC.
- I) LABYRINTH SOLUTIONS, INC. DBA LSI CONSULTING
- J) MICHAEL BAKER INTERNATIONAL, INC.
- K) MORRIS WILLNER PARTNERS, INC. DBA MW PARTNERS, INC.
- L) N H BRANDT, INC.
- M) PHOENIX BUSINESS, INC. DBA PHOENIX BUSINESS CONSULTING
- N) QUARTIC SOLUTIONS, INC.
- O) SIERRA DIGITAL, INC.
- P) V3IT CONSULTING, INC.

TO PROVIDE AS NEEDED IT APPLICATIONS CONSULTING SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR A PERIOD OF UP TO FIVE (5) YEARS BEGINNING AUGUST 1, 2021 AND ENDING JULY 31, 2026. ALL FUNDS 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.**

2. [2021-0079](#) RESOLUTION APPROVING SAN DIEGO SYMPHONY'S TENANT PERCENT FOR ART PROPOSAL FOR THE SHELL PURSUANT TO BPC POLICY NO. 608: TENANT PERCENT FOR ART PROGRAM

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution 2021-085 as part of the Consent Agenda.**

3. [2021-0080](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF JULY 2021 AS PARKS AND RECREATION MONTH

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution 2021-086 as part of the Consent Agenda.**

4. [2021-0270](#) SEAPORT VILLAGE:

ORDINANCE GRANTING A LEASE TO \_\_\_\_\_  
LOCATED AT 849 W. HARBOR DRIVE, SUITE \_\_\_\_\_ IN SAN DIEGO  
FOR A 10.5-YEAR TERM PLUS ONE 4.5 YEAR OPTION TO EXTEND  
(FOR A TOTAL POTENTIAL TERM OF 15 YEARS)

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

**This items was continued to a future Board meeting.**

5. [2021-0247](#) RESOLUTION AUTHORIZING AN INDEMNITY PURSUANT TO A RIGHT OF ENTRY PERMIT WITH SAN DIEGO REFRIGERATED SERVICES, INC. FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S IMPLEMENTATION OF THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL IN SAN DIEGO

**On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted Resolution 2021-087 as part of the Consent Agenda.**

## **ACTION AGENDA**

6. [2021-0259](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS-NEEDED REAL ESTATE CONSULTING 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 FIVE YEARS FROM JULY 14, 2021 TO JULY 13, 2026. THESE AS-NEEDED SERVICES WILL SUPPORT DISTRICT OPERATIONAL OR STRATEGIC PRIORITIES. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED

IN FISCAL YEAR (FY) 2022. 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.

- A) CBRE, INC.
- B) KEYSER MARSTON ASSOCIATES, INC.
- C) PRO FORMA ADVISORS, LLC.
- D) JONES LANG LASALLE AMERICAS, INC.
- E) AECOM TECHNICAL SERVICES, INC.
- F) ERNST & YOUNG, LLP.
- G) TS WORLDWIDE, LLC. DBA HVS
- H) LONDON MOEDER ADVISORS
- I) MAURICE ROBINSON & ASSOCIATES LLC.
- J) RSG, INC.
- K) BAE URBAN ECONOMICS, INC.
- L) CIVITAS, INC.
- M) KPMG, LLP.
- N) HR&A ADVISORS, INC.
- O) THE DORE GROUP
- P) ZENITH CONSULTANTS
- Q) PARAGON PARTNERS, LTD.
- R) OVERLAND, PACIFIC AND CUTLER, LLC.
- S) THE BERNARD JOHNSON GROUP, INC.
- T) MEISSNER JACQUET REAL ESTATE MANAGEMENT GROUP, INC.
- U) WILLIAMSON REAL ESTATE
- V) THE VERTEX COMPANIES, INC.
- W) HATCH ASSOCIATES CONSULTANTS, INC.
- X) KIMBERON, INC.

*Commissioner LeSar requested this item be pulled from Consent to Action.*

*Tony Gordon, Director, Real Estate, provided recap of process regarding selection criteria and actions taken per Board direction.*

*Commissioner LeSar, and Commissioner Castellanos, provided comments and asked clarifying questions. Mr. Gordon, and Job Nelson, Vice President, Strategy and Policy, responded.*

**Commissioner LeSar made a motion, seconded by Commissioner Castellanos, to adopt Item 6 with a change to the contract term from a period of five years to a period of one year, with four one-year renewal options, with a condition added into contract that each renewal option will come with a requirement of a diversity, equity, and inclusion plan that Port staff will develop guidelines for, and that the consultants as part of the renewal, will submit progress reports with that plan beginning in contract year two. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

7. [2021-0260](#) RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF LEASEHOLD INTERESTS FROM SUNROAD MARINA PARTNERS, L.P. DBA SUNROAD RESORT MARINA LOCATED AT 955 HARBOR ISLAND DRIVE, SAN DIEGO TO SHM SUNROAD, LLC DBA SAFE HARBOR SUNROAD CONDITIONED ON THE PARTIES EXECUTION OF THE SAN DIEGO UNIFIED PORT DISTRICT CONSENT TO ASSIGNMENT AND ASSUMPTION OF LEASEHOLD INTERESTS FROM SUNROAD MARINA PARTNERS, L.P. DBA SUNROAD RESORT MARINA TO SHM SUNROAD, LLC DBA SAFE HARBOR SUNROAD, AND OTHER CONDITIONS

*Commissioner Castellanos recused himself from this item due to a relationship that one of his law partners has with one of the involved parties.*

*Tony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 7 - File No. 2021-0260 (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 Taylor Stack, Asset Manager, Real Estate, to provide the details of the assignments.*

*The following member(s) of the public addressed the Board with agenda-related comments: Richard Ledford, representing Sunroad.*

*Commissioner LeSar, and Commissioner Malcolm provided comments.*

**On a motion by Commissioner Malcolm, seconded by Chairman Zucchet, the Board adopted Resolution 2021-089. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

8. [2021-0249](#) PRESENTATION FROM STAFF ON FINANCIAL ASPECTS AND FUNDING CONCEPTS RELATED TO ELECTRIFICATION INITIATIVES ON PORT TIDELANDS AND DIRECTION TO STAFF

*Michael LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 8 - File No. 2021-0249 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. LaFleur turned the presentation over to Aimee Heim, Director, Grants and Government Programs, to discuss external funding sources. Ms. Heim then turned the presentation over to Josefina Khalidy to discuss the Port funding sources. Ms. Khalidy then turned the presentation back to Mr. LaFleur to discuss next steps and close out presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Cristina Marquez, Environmental Organizer, IBEW 569.*

*Commissioner LeSar, Commissioner Naranjo, Commissioner Castellanos, Commissioner Malcolm, Chairman Zucchet, and Commissioner Bonelli, provided comments and asked clarifying questions. Mr. LaFleur, Ms. Khalidy, Ms. Heim, Simon Kann, Deputy General Counsel, Joe Stuyvesant, President/CEO, and Thomas A. Russell, General Counsel, responded.*

**Commissioner Naranjo made a motion to direct staff to come back on the clean truck fee, and the tariff fee for electrification, and make sure the study for implementation is done by 2022, with the addition to have staff come back in September with an update on status of findings and check back on the elasticity study timing regarding fee analysis.**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

9. [2021-0265](#) PRESENTATION AND UPDATE ON THE DISTRICT'S MARITIME CLEAN AIR STRATEGY (MCAS), INCLUDING THE DRAFT EXECUTIVE SUMMARY FOR REVISED MCAS AND DIRECTION TO STAFF

*Jason Giffen, Vice President, Planning and Environment, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2021-0265 (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 Larry Hofreiter, Program Manager, Planning, to discuss the proposed substantive changes made to the discussion draft plan based on the public and stakeholder feedback. Mr. Hofreiter then turned the presentation over to Philip Gibbons, Program Manager, Energy, to discuss trucks, California zero emission vehicle goals, and proposed new goals and objectives for trucks. Mr. Gibbons then turned the presentation over to Maggie Weber, Senior Planner, Planning, to discuss longer term aspirations by end of 2030, next steps, and to close out the presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Diane Takvorian, Environmental Health Coalition and Danny Serrano, Environmental Health Coalition (provided presentation with time ceded by Allie Fen, Monserrat Hernandez and Franco Garcia); Sharon Cloward, President, Port Tenants Association; Cristina Marquez, Environmental Organizer, IBEW 569; David Flores, Policy Advisor, representing County Supervisor Nora Vargas; Alicia Garcia; Carla Monsivais; Emily Villagrana; Elizabeth Wing; Sylvia Calzada; Evangelina Traperro; Angelica Ramirez; Alicia Sanchez; Margarita Moreno; and Carmen Carciola.*

*Chairman Zucchet, Commissioner Naranjo, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Bonelli, provided comments and ask clarifying questions. Mr. Giffen, Joe Stuyvesant, President/CEO, responded.*

**Commissioner Castellanos made a motion that the MCAS provide for a 100% ZEV goal by 2030 for all truck types that service the Port. Commissioner Malcolm seconded the motion.**

**Commissioner LeSar called for a friendly amendment: to have two parts, and start with the absolute that the vision of the MCAS is to achieve health equity for all, and the primary frame for which we're going to do that is 100% ZEV by 2030; and put those together as both the absolute and the target. Commissioner Castellanos, and Commissioner Malcolm accepted the friendly amendment. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner Malcolm left the meeting at 5:45 pm for the remainder of the Board meeting.*

**Commissioner Naranjo made a motion, seconded by Commissioner LeSar, for the following revisions to the MCAS:**

**2. Provide clarification--footnote to clarify for the public--of the Reference on Indirect Source Rule of how South Coast Air Quality Management District adopted a STRONG Indirect Source Rule by protecting vulnerable communities from diesel pollution by warehouses.**

**3. Incorporate Under ES 2.2 - Community Enrichment- an expanded community profile with historical context of Barrio Logan & Westside of National City utilizing the CERP description related to their qualification for AB 617**

4. Objective 2A planning date - update the Executive Summary - include the actual start date planning process started.

Direction to staff to revise the language in the MCAS regarding items 5 – 7 below to capture the spirit of urgency expressed by the Board (i.e., complete in less than five years).

5. Establish ZEV medium duty/heavy duty truck charging infrastructure in Portside – 1 station in Tenth Avenue Marine Terminal and 1 in National City

6. Infrastructure in place for the Port Shuttle Program

7. Work with SANDAG, SDG&E, and stakeholders to build the remaining 2 sites

8. 2C: Deadline on Market Feasibility Study no later than January 2022 and have an analysis on how fees can help leverage other funding opportunities.

9. Revise MCAS draft Goal 2D completion date to December 2021 for Resolution requiring all electricians who construct, install and or maintain electric vehicle (EV) charging infrastructure to hold a valid EVITP Certification just how MTS and other Ports have done (Port of LA & Long Beach) "by December 2021". In addition - direction to staff to bring the above-mentioned resolution to the Board by December, 2021.

The motion carried by the following vote:

**Yeas:** 5 - Bonelli, Castellanos, LeSar, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Malcolm, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

Commissioner Naranjo made a motion, seconded by Commissioner LeSar to direct staff to:

1. Include a discussion of the relationship between air pollution and racial disparities on communities of color utilizing CalEnviro Screen, the San Diego County Board of Resolution adopted by our San Diego County Board of Supervisors on January 12 declaring Racism As A Public Health Crisis, referencing the Harvard 2020 Study that unveiled that communities with toxic air pollution exposure had higher chances of dying of COVID-19 (again these communities being specifically communities of color)

Commissioner Castellanos made a friendly amendment to revise the motion as follows:

1. Include a discussion of the relationship between air pollution and racial disparities on communities of color utilizing the CalEnviro Screen.

**Commissioner Naranjo and Commissioner LeSar accepted the friendly amendment. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Castellanos, LeSar, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Malcolm, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

10. [2021-0271](#) INFORMATIONAL PRESENTATION FROM SCI CONSULTING GROUP ON REGULATIONS GOVERNING CANNABIS SALE AND CONSUMPTION ON DISTRICT TIDELANDS

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. [2021-0272](#) INFORMATIONAL UPDATE ON AMERICAN RESCUE PLAN (ARP) TRANSFER BY STATE OF CALIFORNIA AND SEEKING PRELIMINARY BOARD DIRECTION ON POTENTIAL FUNDING OPPORTUNITIES WITH ARP FUNDS

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.**

12. [2021-0156](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE AUGUST 10, 2021 MEETING

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

**Yeas:** 5 - Bonelli, Castellanos, LeSar, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Malcolm, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0



**OFFICER'S REPORT****13.     [2021-0264](#)     OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2019-38 with SOLPAC  
Construction, Inc. dba Soltek Pacific Construction Company - Increases  
Contract by \$64,814.34

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. 3 to Lease (#33656) with Pacific Gateway, Ltd. dba  
San Diego Marriott Hotel and Marina - Amends Paragraph 41(c)  
Regarding Access to Tennis Courts and Related Facilities for Lessee's  
Guests, and Rights and Obligations of Lessee Related to Construction,  
Maintenance and Repair of Said Facilities



---

*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

---

Friday, July 23, 2021

9:00 AM

Intercontinental / Bayview Ballroom  
901 Bayfront Ct., San Diego, CA 92101

---

#### Board Retreat

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding*

#### B. Public Communications.

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

### ACTION AGENDA

[2021-0287](#)

BOARD OF PORT COMMISSIONERS ANNUAL RETREAT FOCUSED ON TEAM BUILDING, AND TO DISCUSS PORT PRIORITIES AND BUDGETARY MATTERS FOR FISCAL YEAR 2021-2022 AND RELATED DIRECTION TO STAFF

*Chairman Zucchet welcomed everyone to the retreat, and he, along with Joe Stuyvesant, President/CEO, provided opening remarks.*

*Steve Alexander, facilitator, introduced himself and led the discussion by reviewing the agenda, the retreat overview and objectives, the ground rules, and facilitation guidelines. Mr. Alexander then began the first exercise "why are we gathering", and asked the Board and staff to share why they are here today.*

*Mr. Alexander then led the exercise to review and affirm the Port vision, mission and values and the Port Tidelands Act.*

*Mr. Alexander then facilitated discussion regarding Chairman's vision and reflections, conducted roundtable on Board member and staff backgrounds, what are they passionate about, and why do they serve.*

---

*The Board Retreat was recessed for lunch at 12:34 pm. Mr. Alexander called the retreat back to order at 1:25 pm.*

*Mr. Alexander then facilitated the group discussion regarding expectations of fellow Commissioners and Port staff.*

*Job Nelson, Vice President of Strategy & Policy, led the discussion and reviewed the Stimulus packet materials with the group.*

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

*The Board discussed the information and it was decided that a separate workshop would be conducted at a later date which would provide more time for an in-depth discussion to develop priorities.*

*Mr. Alexander then conducted the lessons learned and closing exercise.*

*Mr. Stuyvesant provided closing comments, confirmed next steps, and thanked the Board and staff for their contributions made at the retreat today.*

*Chairman Zucchet concluded the retreat by thanking everyone for the great job today, and thanked the public for attending.*

*The retreat adjourned at 5:17 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, August 10, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner LeSar

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding*

#### B. Public Communications.

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

#### **CLOSED SESSION**

1. [2021-0303](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2021-0304](#) Closed Session Item No. 2

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

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2021-0302](#) Closed Session Item No. 3

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Karen Porteous, Michelle Corbin

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

*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, August 10, 2021

1:00 PM

Virtual Meeting

---

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner LeSar

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding*

#### 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.

*No Board committee reports were provided.*

#### E. Commissioners' Reports.

*Commissioner Naranjo provided a report on the July 20, 2021, AB 617 Portside Community Steering Committee meeting. Commissioner Naranjo shared that CARB staff presented an overview of the proposed Advanced Clean Fleet Regulation, which includes having 100% zero emission drayage truck operations at intermodal railyards and seaports by 2035. Following the presentation, representatives from Environmental Health Coalition, the Natural Resources Defense Council, and the Union of Concerned Scientists, asked the Steering Committee to vote in favor of sending a draft letter supporting the proposed ACF Regulation to the California Air Resources Board and requested that the ACF Regulation go further in some instances. Some examples include: establishing a mandatory lifetime retirement requirement of diesel trucks after 18 years; requiring fleets to prepare and submit ZEV business transition plans, including charging infrastructure plan, to CARB to reduce delays in infrastructure installation; and include a 100% ZEV sales mandate across all truck classes by 2035. The draft letter also recommended providing support to ports and air districts that seek to achieve more aggressive truck goals, such as those identified in the Portside Community's AB 617 CERP. Commissioner Naranjo added that she suggested the draft letter be updated to also*

reference the Port of San Diego's Maritime Clean Air Strategy, which the steering committee agreed to, and included in the letter to CARB. San Diego Air District staff also provided a status update on some of the AB 617 CERP strategies, including the Residential Air Filtration Program, which is still under development. Air District staff plans to do additional outreach efforts this fall, and to open the program next Spring 2022, and are targeting to have the equipment delivered to residents next Summer.

Commissioner Castellanos gave a report on a boat tour of San Diego Bay provided to new San Diego City Councilmember Sean Elo-Rivera. The tour on a Harbor Police patrol boat lasted roughly two hours. Commissioner Castellanos explained that these tours for member cities', and other elected officials, are important as they show the wide range responsibilities, operations, and activities that are carried out daily at the Port of San Diego. Highlights of the tour included Kellogg Beach sand replenishment project, Zuniga Jetty, National City's Sweetwater Channel, the National City Marine Terminal and Navy Base San Diego, NASSCO, Tenth Avenue Marine Terminal, and two Blue Economy Incubator projects. Commissioner Castellanos thanked Harbor Police Corporal Matt Oakley and Officer Ben Davis for their professionalism in providing clear safety instructions pre-tour, for their expert handling of the patrol vessel, and for their comments on the challenges and dangers that are part of patrol work on San Diego bay.

Commissioner Castellanos next reported on the Port's Grand Caribe Shoreline Park 25th anniversary celebration which he attended along with Commissioner Bonelli, which was held July 30 at the park adjacent to the Coronado Cays. The event also celebrated the 25th anniversary of the park's public artwork, "Sheltering Wings," created by artist Christopher Slatoff. This was a co-celebration with the City of Coronado.

Commissioner Bonelli added that the event was a great way to wrap up the month of July as it is National Parks and Recreation Month, and kudos to Parks & Recreation staff for great job coordinating the event. The Grand Caribe Shoreline Park demonstrates how the Port works to balance environment, economy, recreation and public safety.

Chairman Zucchet reported that he, along with Commissioner Naranjo, Commissioner Castellanos, and Commissioner Emeritus Merrifield, attended the ribbon cutting ceremony of the brand new Symphony Shell. They were joined by Mayor Todd Gloria, Congresswoman Sara Jacobs, San Diego Symphony CEO Martha Gilmer, and San Diego Symphony Board Chairman Dave Snyder. In addition to the amazing performance venue, there was a lot of work done to the entire Embarcadero Marina Park South area which includes a widened public esplanade, new benches, refurbished basketball courts, renovated restrooms, refurbished gazebo, upgraded exercise equipment, and landscaping. Chairman Zucchet also acknowledged the many Port staff who had a significant hand in getting a project of this magnitude completed in record time.

## F. President's Report.

Joe Stuyvesant, President/CEO, announced that sadly staff is starting with a tribute to much respected long-time Port team member Charlie Starns. Mr. Stuyvesant then turned the presentation over to Paige Scott, Assistant Director, General Services. Ms. Scott shared that Mr. Starns passed away suddenly and unexpectedly. Mr. Starns, was a beloved member of the General Services Department. He began his career at the Port in 2004 as a Lead Equipment Technician, and quickly established a reputation as a person that could be counted on to get things done, and was promoted to Maintenance Supervisor in 2006. Mr. Starns' impact to his teammates and to operations across the Port cannot be overstated. Some noteworthy accomplishments include: ELG Leadership Awards for individual and team excellence; Letters of Appreciation from San Diego Port Tenants Association; and personal accolades from local business owners and officials



from each of our member cities. However, if anyone had asked Mr. Starns about one of his proudest moments at the Port, he would have said it occurred when his team was recognized as Team of the Year in 2005. He took great pride in his team's accomplishments. Outside of work Mr. Starns was involved in motor sport racing, and built and drove his own racecars; he was part of many record-setting race teams. Mr. Starns was a devoted husband, father, and grandfather. Ms. Scott then asked for a moment of silence.

Mr. Stuyvesant then shared that the Port has kept watch on the COVID situation and its impacts on the Port, and has reacted accordingly. Staff continues to closely monitor current COVID trends and recommendations from Federal, State and County officials. All employees have been asked to show proof that they've been vaccinated against COVID-19. The Port is currently requiring all unvaccinated employees to wear a mask in the workplace. The Port is also recommending that all vaccinated employees wear masks while indoors in group settings, as well as in vehicles with multiple occupants. The next steps, after conferring with labor group partners, will be to follow the lead of the State of California and require all unvaccinated personnel to get weekly COVID testing. The health and safety of employees is the Port's number one concern. Mr. Stuyvesant added that the CDC released a study today which found that 99.99% of vaccinated people who get COVID avoided hospitalization, serious illness, and/or death; he strongly encourages anyone who has not yet been vaccinated to please do so.

Mr. Stuyvesant then informed the Board there are two emerging issues he wants to make them aware of, as well as provide a quick update on the stimulus timeline discussed at the board retreat. This past Friday the Port received a letter from the San Diego County Local Agency Formation Commission (San Diego LAFCO), suggesting that their research indicates that they might have some level of jurisdictional oversight over the District. Given that Port boundaries are spelled out by the state legislature and the Port has an oversight agency in the State Lands Commission that ensures uses are consistent with the Public Trust Doctrine, staff question whether LAFCO's assertion is correct. The Port's General Counsel's Office is working on a response and staff has made the State Lands Commission aware of this issue. Staff will keep the Board posted regarding discussions.

The second issue is a recent contact by the LOSSAN Rail Corridor Agency which is a joint powers authority that works to increase ridership, revenue, reliability, coordination and safety on the coastal rail line between San Diego, Los Angeles and San Luis Obispo. LOSSAN is looking to site a new maintenance facility and have looked at sites adjacent to marine terminals that involve Port District land. The land they are proposing has the potential to disrupt several Board priorities, therefore staff has some concerns about their proposals and will be responding in the weeks ahead. Again, staff will keep the Board informed as those discussions progress.

Mr. Stuyvesant then provided an update on stimulus. Port staff had anticipated based on talks with the State Lands Commission that the Port would be submitting calculations around revenue losses and to see funding approved at the August State Lands Commission Board Meeting. State Lands informed us that they are experiencing additional questions and comments from the Department of Finance who wants to add restrictions to how eligible ports might spend the money. State Lands is working on this, which has delayed the process. Staff continues to work with the State Lands Commission and also with legislators on how we might resolve this issue. State Lands next regularly scheduled meeting after August is October 21st. Port staff hopes to have a better sense of what requirements might be prior to the August 23rd Stimulus Workshop.

Mr. Stuyvesant then announced that on January 30, 2021, the Port and Port partners submitted an application for project designation to the US Maritime Administration's (MARAD) America's Marine Highway program. Mr. Stuyvesant stated he was pleased to announce that on July 28, staff were informed that MARAD had approved this designation for the M-5 Coastal Connector Project. The Port is working with partners in Bellingham, Washington; Reedsport, Oregon; and Caltrans to develop a service that moves raw lumber and other wood construction materials southbound and empty containers northbound. These cargoes will be carried on a barge, eliminating 250 lumber truck trips from the Pacific Northwest to Southern California for each barge trip, reducing 87,000 gallons of diesel fuel usage per barge trip, and generating jobs for the local ILWU longshoremen. This designation will allow the Port and our partners to apply for grant funds for zero-emission equipment and infrastructure to expand the service and reduce its cost for customers. Staff plans to meet with the full project team in person this Fall and continue discussions with barge operators that can help turn this project idea into a reality. Staff expects the service to be fully operational in 3-5 years, and are in the beginning stages of this exciting effort.

Mr. Stuyvesant then reported on the successful completion of the Port's latest sand replenishment project at Kellogg Beach. A total of 2,200 cubic yards of natural sand was placed as part of Port's reoccurring effort to reclaim this beach, and protect it from erosion. The Port's Engineering-Construction Department led this project, with support from their colleagues in Planning & Green Port, and Development Services. As a result of this Major Maintenance project, approximately 30,000 square feet of beach land was recovered for the public to enjoy. It was designed in-house, and came in under-budget.

Mr. Stuyvesant then explained that the Port's fiscal year-end tabulation is in progress, staff is waiting for the actual revenues from tenants, along with expenses from vendors. Staff will have a more updated financial report in September--when the external auditors start their audit field work. Staff expects the auditors to complete their audit by October, with the Auditor's opinion issued in November. Consistent with prior years, the final audited financial statements will be reported at the last quarter Audit Advisory Committee meeting which will be held December 7th. Mr. Stuyvesant reported that the Port's actual operating revenues are tracking to be better than the revenue reforecast, it looks like the Port will beat the operating revenue reforecast by about \$9.4M dollars. Mr. Stuyvesant stated he was pleased to report staff are tracking to achieve approximately a \$11M operating deficit budget for FY21 which includes \$4 million in funding for shore power, which is a significant improvement over the Reforecast budgeted operating deficit estimate of \$18M without funding for shore power.

Mr. Stuyvesant then announced that the District was recently awarded again, for the 7th consecutive year, a Certificate of Achievement for Excellence in Financial Reporting for the District's June 30, 2020 Comprehensive Annual Financial Report (CAFR). This certificate is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

## 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 Item 11 - File No. 2021-0284.

Additionally, Ms. Morales announced that there are no requested docket changes.

**APPROVAL OF MINUTES**

[2021-0312](#) Approval of minutes for:

July 13, 2021 - CLOSED SESSION

July 13, 2021 - BPC MEETING

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

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**CONSENT AGENDA**

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted the Consent Agenda, thereby adopting Resolution 2021-090; Resolution 2021-091; Resolution 2021-092; Ordinance 3016; Resolution 2021-093; Ordinance 3017; Resolution 2021-094; Resolution 2021-095; and Resolution 2021-096. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0065](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS NEEDED IT APPLICATIONS CONSULTING SERVICES WITH THE SERVICE PROVIDERS LISTED BELOW AS SPECIFIED IN EACH INDIVIDUAL AGREEMENT FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 AND CONDITIONED ON SUCH SERVICE PROVIDERS AGREEING TO THE NEW EQUAL OPPORTUNITY EMPLOYMENT SECTION AND REVISED TERM OF ONE (1) YEAR WITH FOUR (4) OPTIONAL ONE-YEAR EXTENSIONS. ALL FUNDS FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

- A) AGREEYA SOLUTIONS, INC.
- B) AMICK BROWN, LLC.
- C) ASPIREHR, INC.
- D) CGI TECHNOLOGIES AND SOLUTIONS, INC.
- E) CRITIGEN, LLC.
- F) DATAMANUSA, LLC.
- G) DELOITTE CONSULTING, LLP.
- H) EPI-USE AMERICA, INC.
- I) LABYRINTH SOLUTIONS, INC. DBA LSI CONSULTING
- J) MICHAEL BAKER INTERNATIONAL, INC.
- K) MORRIS WILLNER PARTNERS, INC. DBA MW PARTNERS, INC.
- L) N H BRANDT, INC.
- M) PHOENIX BUSINESS, INC. DBA PHOENIX BUSINESS CONSULTING
- N) QUARTIC SOLUTIONS, INC.
- O) SIERRA DIGITAL, INC.
- P) V3IT CONSULTING, INC.

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-090 as part of the Consent agenda.**

2. [2021-0103](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENT WITH EXCELLENCE PROFESSIONAL CLEANING, INC. FOR PUBLIC COMFORT STATION AND DRINKING FOUNTAIN JANITORIAL SERVICES FROM OCTOBER 1, 2021 TO SEPTEMBER 30, 2026 FOR A NOT TO EXCEED AMOUNT OF \$2,000,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED IN THE AMOUNT OF \$300,000. 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 Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-091 as part of the Consent agenda.**

3. [2021-0146](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-12 TO CAPITAL INDUSTRIAL RESTORATION, INC. IN THE AMOUNT OF \$665,031.00 FOR THE CONCRETE REPAIRS AT SAN DIEGO HILTON BAYFRONT GARAGE DECK 7 PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY2021 MAJOR MAINTENANCE PROGRAM

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-092 as part of the Consent agenda.**

4. [2021-0246](#) SEAPORT VILLAGE:

ORDINANCE GRANTING A LEASE TO TACO SHOP RESTAURANT GROUP, INC. DBA CRACK TACO SHOP FOR A MEXICAN RESTAURANT LOCATED AT 849 W. HARBOR DRIVE, SUITE C5-D IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS), WITH \$185,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE SOURCED FROM AVAILABLE FUNDING IN THE FISCAL YEAR (FY) 2022 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Ordinance 3016 as part of the Consent agenda.**

5. [2021-0263](#) RESOLUTION APPROVING:

A) CHULA VISTA BAYFRONT PROJECT PHASE 1A EARLY WORK IMPLEMENTATION AND RIGHT OF ENTRY LICENSE AGREEMENT TO CONSTRUCT CERTAIN PHASE 1A IMPROVEMENTS LOCATED IN THE CITY OF CHULA VISTA AND NECESSARY FOR THE CONSTRUCTION OF A CONVENTION CENTER, RESORT HOTEL, AND OTHER PHASE 1A IMPROVEMENTS, WITH CONDITIONS

ORDINANCE GRANTING:

B) TEN (10) YEAR EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR THE OPERATION AND MAINTENANCE OF A TEMPORARY UNDERGROUND ELECTRICAL FACILITY IN THE CITY OF CHULA VISTA, CALIFORNIA

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-093 and Ordinance 3017 as part of the Consent agenda.**

6. [2021-0285](#) ASSIGNMENT OF WIRELESS COMMUNICATION TIDELAND USE AND OCCUPANCY PERMITS LOCATED ON HARBOR DRIVE, SPANISH LANDING AND SHELTER ISLAND:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF TWO TIDELAND USE AND OCCUPANCY PERMITS FROM NEW CINGULAR WIRELESS PCS, LLC TO DIRECT CONNECT TOWERS, LLC FOR WIRELESS COMMUNICATION EQUIPMENT LOCATED ON HARBOR DRIVE AND SPANISH LANDING; AND,

B. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE TIDELAND USE AND OCCUPANCY PERMIT

FROM NEW CINGULAR WIRELESS PCS, LLC TO HOOSIER TOWERS, LLC FOR WIRELESS COMMUNICATION EQUIPMENT LOCATED ON SHELTER ISLAND.

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-094 and Resolution 2021-095 as part of the Consent agenda.**

7. [2021-0310](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AMENDED AGREEMENT WITH THE COUNTY OF SAN DIEGO TO RECEIVE ADDITIONAL FUNDING OF \$350,000 FROM THE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2019 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO. FUNDS FOR THIS AMENDED AGREEMENT HAVE BEEN BUDGETED IN THE HARBOR POLICE DEPARTMENT'S FY2022 BUDGET.

**On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-096 as part of the Consent agenda.**

## **ACTION AGENDA**

8. [2021-0298](#) INFORMATIONAL PRESENTATION FROM THE SAN DIEGO BOWL GAME ASSOCIATION ON THE 2021 SAN DIEGO HOLIDAY BOWL AT PETCO PARK AND BOWL-RELATED ACTIVITIES

*Michael Brown, Vice President Marketing & Communications, addressed the Board with staff's report and presentation regarding Action Agenda Item 8 - File No. 2021-0298 (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 over to Bob Bollinger, President of the San Diego Bowl Game Association, to provide a brief overview of the 2021 San Diego Holiday Bowl at Petco Park, and bowl-related activities.*

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

*Chairman Zucchet provided comments.*

9. [2021-0251](#) INFORMATIONAL PRESENTATION FROM SCI CONSULTING GROUP ON REGULATIONS GOVERNING CANNABIS SALE AND CONSUMPTION ON DISTRICT TIDELANDS

*Aimee Heim, Program Director of Grants and Government Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2021-0251 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Heim then turned the presentation over to Kyle Tankard, SCI Consulting Group, to provide an overview of the cannabis industry in California and to explore the opportunities of the industry in relation to the goals of the Port of San Diego. Mr. Tankard then turned the presentation over to David Jones, Deputy General Counsel, to discuss additional legal considerations for the Port.*

*The following member(s) of the public addressed the Board with agenda-related comments: National City Mayor Sotelo Solis; National City Vice Mayor Rodriguez; Port*

*Commissioner Emeritus Valderrama; Laura Wilkinson Sinton; and Maribel McKinze, United Food and Commercial Workers.*

*Commissioner Malcolm, Commissioner Naranjo, Commissioner Moore, Commissioner Bonelli, and Chairman Zucchet provided comments.*

*Donna Morales, District Clerk, announced that Commissioner Castellanos had to leave and was excused for the remainder of the Board meeting.*

**Commissioner Naranjo made a motion to repeal the prohibition ordinance currently in effect as part of the Port Code, and look into developing an ordinance assisting member cities and changing the conversation with the State Lands Commission.**

**Chairman Zucchet clarified with General Counsel's Office that the Board cannot take action on non-agendized items, however, the Board may direct staff to agendize and bring back items for consideration.**

**Commissioner Naranjo amended her motion to direct staff to prepare and bring back an item regarding options to repeal the prohibition ordinance for Board's consideration. Chairman Zucchet seconded the motion.**

**Commissioner Moore called for a friendly amendment to incorporate direction to staff to provide information whether cannabis use on Port tidelands is compliant under the public trust doctrine; provide information whether there are impacts on receiving federal grants; and any revision or proposed ordinance would incorporate policies that are respectful of each member cities' restrictions. Commissioner Naranjo, and Chairman Zucchet accepted the friendly amendment.**

**Commissioner Bonelli requested addition to have Harbor Police provide advantages and disadvantages to allowing cannabis on Port tidelands from the law enforcement/public safety perspective. Commissioner Naranjo, and Chairman Zucchet accepted the friendly amendment.**

**Commissioner Moore requested that before the ordinance is repealed, ask General Counsel's office to provide information on impact of not having an ordinance regarding use of cannabis on Port tidelands.**

**General Counsel Russell respectfully suggested that before coming back with a draft ordinance: staff will bring back further report on how the current ordinance might be amended to allow consumption; how consumption could be allowed in a way that would be respectful to each member cities' concerns; staff will communicate with colleagues in Oakland and San Francisco relating to State Lands Commissions findings; and staff will also research federal regulation impacts.**

**Commissioner Naranjo agreed and accepted General Counsel Russell's suggestion.**

**The motion failed by the following vote:**

**Yeas:** 3 - Moore, Naranjo, and Zucchet

**Nays:** 2 - Bonelli, and Malcolm

**Excused:** 2 - Castellanos, and LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**10. [2021-0267](#) INFORMATIONAL PRESENTATION REGARDING THE SAN DIEGO HARBOR POLICE FOUNDATION'S WORK**

*Kirk Nichols, Assistant Chief, Harbor Police, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2021-0267 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Assistant Chief Nichols, then turned the presentation over to Sandy Moul, Board Director, San Diego Harbor Police Foundation, to provide an update on the foundations efforts to date, and an overview of the new initiative related to the fight against human trafficking.*

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

*Commissioner Malcolm, Commissioner Bonelli, and Chairman Zucchet, provided comments and asked clarifying questions. Jeffrey Wohler, President & CEO, San Diego Harbor Police Foundation, responded.*

**11. [2021-0284](#) BLUE CARBON INITIATIVES, INCLUDING A COOPERATIVE AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION (MARAD):**  
**A) INFORMATIONAL PRESENTATION ON THE DISTRICT'S BLUE CARBON INITIATIVES WITH A FOCUS ON EELGRASS ASSESSMENTS AND NATURE-BASED SEQUESTRATION OPPORTUNITIES;**  
**B) RESOLUTION ACCEPTING GRANT FUNDS FROM THE MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM, FUNDED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION (MARAD) IN AN AMOUNT UP TO \$500,000 FOR A PERIOD OF THREE YEARS, AND AUTHORIZING AN AGREEMENT WITH MARAD TO ENGAGE IN THE FIRST PROJECT UNDER THE GRANT THROUGH A COOPERATIVE RESEARCH PARTNERSHIP TO ASSESS EELGRASS CARBON SEQUESTRATION IN SAN DIEGO BAY IN THE AMOUNT OF \$150,000, AND GRANTING INDEMNITY;**  
**C) ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT FISCAL YEAR 2021-22 BUDGET INCREASING THE NON-PERSONNEL APPROPRIATION IN THE AMOUNT OF \$110,000.**

*Eileen Maher, Director, Environmental Conservation, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2021-0284 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Maher then turned the presentation over to Amanda Russell,*



*Sea Grant Fellow, to discuss what blue carbon is, and why it is important. Ms. Russell then turned the presentation over to Heather Kramp, Associate Environmental Specialist, to discuss San Diego Bay's Eelgrass habitats, recent legislative efforts to support nature-based solutions, the San Diego Bay Blue Carbon Eelgrass Study and funding received to conduct study, and staff recommendations.*

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

*Commissioner Malcolm, Commissioner Bonelli, and Chairman Zucchet, provided comments and asked clarifying questions. Ms. Kramp responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2021-097 and Ordinance 3018. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Castellanos, and LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**12. [2021-0157](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 14, 2021 MEETING**

**On a motion by Commissioner Bonelli, seconded by Chairman Zucchet, the Board approved the proposed agenda. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Castellanos, and LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **OFFICER'S REPORT**

**13. [2021-0295](#) OFFICER'S REPORT**

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

A) Change Order No. 2 to Contract No. 2019-38 with SOLPAC Construction, Inc. dba Soltek Pacific Construction Company - Increases

Contract by \$175,987.03 & 65 Calendar Day Time Extension thru 09/01/21

B) Change Order No. 1 to Contract No. 2021-02 with R.E. Staite Engineering, Inc. - Decreases Contract by \$22,394.30

C) Change Order No. 01 for Contract No. 2021-01 with M-Rae Engineering, Inc. - Increases Contract by \$36,942.77

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. 2 to Lease with United States of America, General Services Administration (GSA) on Behalf of the United States Coast Guard - Amends Lease to Issue Notice to Proceed with Tenant Improvement Work, and Authorize Tenant Improvement Cost Overage Related to Change Orders No. 02, 08, 14 and 19

B) Amendment No. 2 to Lease (#71829) with Louisiana Charlie's, LLC dba Louisiana Charlie's - Amends Paragraph 8.1 Related to Monetary Discrepancy in the Initial Tenant Improvement Allowance



---

*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, August 23, 2021

9:00 AM

Virtual Meeting

---

#### Stimulus Workshop

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding.*

*Donna Morales, District Clerk, announced that additional agenda-related materials were received by the Board after publication of the agenda for the agenda item today.*

*Chairman Zucchet provided opening remarks and an overview of the outline for the workshop.*

*Thomas A. Russell announced that today's meeting, like all meetings of the Board of Port Commissioners, is subject to the Ralph M. Brown Act. The Brown Act provides that the Board can only act on matters placed on the agenda for a vote. Today's agenda provides for a Board workshop--not action. The agenda does not provide for voting by the Board on any of the issues to be discussed. During today's meeting Port staff will listen very carefully to each Commissioner. Staff will take Commissioner comments into account for a future Board meeting when Board decisions can be made.*

*Chairman Zucchet then introduced facilitator, Steve Alexander, and invited him to provide introductory remarks.*

#### B. Public Communications.

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

**ACTION AGENDA**

1. [2021-0319](#) BOARD OF PORT COMMISSIONERS WORKSHOP FOCUSED ON PORT PRIORITIES, POTENTIAL STIMULUS FUNDING AND BUDGETARY MATTERS FOR FISCAL YEAR 2021-2022 AND RELATED DIRECTION TO STAFF

*Joe Stuyvesant, President/CEO, provided opening staff comments, then turned the presentation over to Job Nelson, Vice President of Strategy & Policy, to address the Board with staff's report and presentation regarding Action Agenda Item 1 - File No. 2021-0319 (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: National City Mayor Sotelo-Solis; National City Council member Ron Morrison; Commissioner Emeritus Valderrama; Sharon Cloward, President, San Diego Port Tenant's Association (provided presentation with time ceded by Corchelle Worsham); Danny Serrano, Environmental Heath Coalition; Manuel Enriquez; Cecila Carrick; Carla Monsivais; Jennifer Mills; Ken Manzone; Maritza Garcia; Nancy Cruz; Peter Mackauf, Ben & Jerry's, Seaport Village; Susan Bauman, Owner, Bali Hai and Tom Ham's restaurants; Sylvia Calzada; Alicia Sanchez; and Margarita Moreno.*

*Mr. Alexander then provided ground rules and priorities for workshop success, and then invited Commissioner discussion.*

*Commissioner Moore, Commissioner Naranjo, Commissioner LeSar, Commissioner Castellanos, Chairman Zucchet, Commissioner Malcolm, and Commissioner Bonelli, provided their funding principles, priorities, and criteria for stimulus funds.*

*Mr. Alexander then summarized the direction received from the Board and identified the high level areas of consistency, he then asked Mr. Stuyvesant to confirm that staff has the direction they need to bring back stimulus funding recommendations for Board consideration. Mr. Stuyvesant provided summary regarding staff direction, and responded that staff has the guidance they need to go the next step in developing staff recommendations.*

*Chairman Zucchet provided closing comments and thanked everyone for attending the workshop.*



\_\_\_\_\_  
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, September 14, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Commissioner LeSar was excused until she arrived at 10:03 am.*

*Commissioner Moore was excused until she arrived at 10:06 am.*

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding.*

#### 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. [2021-0326](#) Closed Session Item No. 1

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Karen Porteous, Michelle Corbin

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.*

2. [2021-0327](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2021-0328](#) Closed Session Item No. 3

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

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0324](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD

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

92106;

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

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

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

Approximately 9,600 square feet 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 square feet of land area located at 4980 North Harbor Drive, commonly referred to as the Westy's Parking Lot;

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

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

Approximately 4,700 square feet 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 - Joe Stuyvesant, Shaun Sumner, Tony Gordon, Ken Wallis, and Christian de Manielle



Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

5. [2021-0331](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcel consisting of approximately 31,000 square feet of building area and up to 47,000 square feet of parking lot area at 3125 Pacific Highway, San Diego

Negotiating Parties:

STAY OPEN San Diego, LLC - Andrew Swerdloff

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Stephanie Shook, Sean Jones, Taylor Stack

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

6. [2021-0329](#) Closed Session Item No. 6

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - East Harbor Island parcel consisting of approximately 12 acres of land at Harbor Island Drive and Liberator Way, San Diego

Negotiating Parties:

Topgolf International, Inc. - Matt Smith, Joe Wojdowski, Ben Haddad

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

Under Negotiations: Price and Terms

*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, September 14, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 5 - Commissioner Bonelli, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, and Commissioner Naranjo

**Excused:** 2 - Commissioner Castellanos, and Chairman 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, with the exception of Items 4 and 5 which will be considered after the conclusion of this meeting. No reportable action was taken.*

#### C. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: Peggy Walker; Kelly McCormick; Nick Cline; Corchelle Worsham, San Diego Port Tenants Association; Kevin Rasmussen; Amy Melvin; Barbara Gordon; Donna Morstein; Dandi Richardson; Janet Rogers, Safe Walkways; K.B. Strange; and Kathleen Lippitt.*

#### D. Board Committee Reports.

*Commissioner LeSar provided a report regarding the August 19, 2021, Accessibility Advisory Committee. Commissioner LeSar shared that the Committee received one non-agenda public comment regarding ensuring access on the tidelands by regulating use and parking of dockless scooters and other mobility devices as more events and activities are taking place. An internal Port team is working on a dockless mobility device ordinance which will come to the full Board once it has been finalized and vetted by stakeholders, including the Accessibility Advisory Committee. Highlights from the meeting included a presentation from Stay Open, LLC which highlighted the accessibility features of their designs. Stephanie Shook, Real Estate, presented an update on the Chula Vista Bayfront project and timeline. Christopher McGrath, Engineering-Construction, provided an overview of this year's projects in the Port's Major Maintenance and Capital Improvements Program, highlighting projects in particular with access elements.*

#### E. Commissioners' Reports.

*Commissioner Malcolm announced that yesterday, a piling at the Imperial Beach Pier, located between light posts 15 and 16 became detached, and as a public safety precaution, the pier has been closed for repairs. The pier is to remain closed for structural analysis and until repairs can be completed to make the pier safe. Public safety is the number one concern.*

Commissioner Bonelli announced that SANDAG will begin the 45 day public comment period for their draft Environmental Impact Report for the 2050 Regional Transportation Plan. Interested parties can review ([www.sandag.org](http://www.sandag.org)) and submit comments to SANDAG by October 11, 2021.

Commissioner Bonelli then shared that Apple featured the new San Diego Symphony Rady Shell as a backdrop during their announcement of their release of new iPhone.

Commissioner LeSar shared that the regional Economic Development Council added a Vice-Chair of Inclusion as a new position on the governance committee. Objectives of the position are governance, research, programs, and coalition building, to institutionalize inclusion across all those areas of the organization. Commissioner LeSar wanted to share this information with the Commissioners as the Port is also prioritizing diversity and inclusion for the organization.

## **F. Special Recognition.**

Jason Giffen, Vice President, Planning and Environment, turned presentation over to Renee Yarmy, Program Manager, Energy and Sustainability, who then provided overview of Green Port Month 2021 Year in Review. Ms. Yarmy then turned the presentation over to Karen Holman, Director, Environmental Protection, to recognize the following 2021 Michelle White Environmental Awards recipients: Port staff recipients - Veronica Bango, Sally Raney, and the late Charles Starns. Community Leader recipient - Jason Anderson, President/CEO, Cleantech San Diego. Port Tenant recipients - Coronado Yacht Club, and G2 Ocean.

Cid Tesoro then announced that the Port received reaccreditation by the American Public Works Association. A short video was then presented. Mr. Tesoro then invited Joubin Pakpour, APWA Region VIII Director, to present the accreditation.

## **G. President's Report.**

Joe Stuyvesant, President/CEO, announced that during the September stimulus workshop staff mentioned that there were some potential concerns with the California Department of Finance that may affect how the Port might receive funds and be able to spend the money. Mr. Stuyvesant shared that he is happy to report that the Department of Finance offered up trailer bill that eliminates any barriers on getting and executing the stimulus funds, he added that the bill passed the Assembly and is awaiting the Governor's signature. The State Lands Commission is working on getting the final solicitation out to the Ports on State requirements, as well as scheduling a potential special meeting in October for the award of the first tranch of funds to the Ports. Meanwhile staff continues to work on a funding plan based on the Board's Direction at the Workshop. Staff will continue to keep the Board updated as we move through the process.

Mr. Stuyvesant then shared that the public review period for the Draft Revised Maritime Clean Air Strategy, closed a little over a week ago. The Draft Revised MCAS was released for public review on August 5th. The public and stakeholders were encouraged to submit public feedback by September 3rd. During the review period, staff held a virtual meeting in English and Spanish to review the changes made in response to feedback from the Discussion Draft issued in the spring. At the end of the current review period, approximately 30 comment letters were received. Staff is reviewing the comments received and anticipates returning to the Board in October to summarize the feedback and seek approval of the final MCAS document.

Mr. Stuyvesant then announced that late last month, at the invitation of Congressman Scott Peters, U.S. Environmental Protection Agency Administrator Michael Regan got a first-hand look at the Tijuana River Valley, where hundreds of millions of gallons of water laced with raw sewage, trash and industrial chemicals regularly foul San Diego shorelines, shuttering beaches as far north as Coronado. As the administrator said, "You know, you can read about these things and have your own visualization, but seeing it first-hand really is impactful." Following the tour, the administrator met with local leaders, including San Diego Mayor Todd Gloria, Imperial Beach Mayor Serge Dedina, Coronado Mayor Richard Bailey, Congressman Darrel Issa, Port staff, and regional Water Quality Board leadership, to discuss recommended solutions for this ongoing disaster.

Mr. Stuyvesant then shared that cruises have been shut down in San Diego since March 2020 due to COVID-19. He is happy to announce that the first cruise call will be on October 1 with the Disney Wonder. Holland America, Princess, and Celebrity will begin cruising in October as well. Disney and Holland America are conducting CDC required simulated test cruises in September and October. The Port estimates 100 to 114 calls from October through May of next year, these calls are expected to bring 185,000 to a quarter of a million passengers to San Diego this cruise season.

Mr. Stuyvesant then provided a quick update on the biological community development of the CoastaLock project located on Harbor Island. Mr. Stuyvesant reported that the site is already being utilized by fish, spiny lobsters and octopus that are foraging on the interlocking ecological concrete units. The units have been recruiting coralline algae, mussels, oysters, as well as brown, red, and green habitat forming algae.

## H. District Clerk's Announcements.

Donna Morales, District Clerk, started by announcing that Agenda Item 9 on the Consent Agenda - Ratifying the Emergency Action Related to Damages at the General Services Building - requires a 4/5 vote approval for passage. Because there are a couple of Board members excused today, all Commissioners present will need to vote in support.

Ms. Morales then added that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 9 - File 2021-0322; Item 12 - File 2021-0101; and Item 13 - 2021-0132.

Ms. Morales then announced that staff requests that the Board consider the following items to be continued to a future Board meeting: Item 2 - File 2021-0330; and Item 6 - File 2021-0338.

**On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the Board approved the requested docket changes. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**APPROVAL OF MINUTES**

[2021-0339](#) Approval of minutes for:

July 23, 2021 - BOARD RETREAT  
 August 10, 2021 - CLOSED SESSION  
 August 10, 2021 - BPC MEETING  
 August 23, 2021 - BPC STIMULUS WORKSHOP

**Commissioner Bonelli made a motion to approve the July 23, 2021 Board Retreat minutes, and the August 23, 2021 Stimulus Workshop minutes. Commissioner LeSar seconded the motion. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**Commissioner Bonelli made a motion to approve the August 10, 2021, Closed Session minutes, and the August 10, 2021, regular BPC Meeting minutes. The motion carried by the following vote:**

**Yeas:** 4 - Bonelli, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 1 - LeSar

**Recused:** 0

**CONSENT AGENDA**

**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted the Consent Agenda, thereby adopting Resolution 2021-109; Resolution 2021-110; Ordinance 3019; Resolution 2021-098; Resolution 2021-099; Resolution 2021-100; Resolution 2021-101; Resolution 2021-102; Resolution 2021-103; Resolution 2021-104; and Resolution 2021-105.**

1. [2021-0035](#) UPDATE BPC POLICY NO. 359 EQUAL OPPORTUNITY CONTRACTING AND BPC POLICY NO. 361 EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION TO REFLECT A CHANGE IN THE NAME OF THE

## EQUAL OPPORTUNITY FUNCTION TO REFLECT INDUSTRY PRACTICE

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-109, and Resolution 2021-110 as part of the Consent Agenda.

2. [2021-0330](#) 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 FY2020 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO

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. [2021-0283](#) 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) 2022

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Ordinance 3019 and Resolution 2021-098 as part of the Consent Agenda.

4. [2021-0289](#) RESOLUTION APPOINTING TRACI BECERRA AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 14, 2021 TO SEPTEMBER 1, 2022

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-099 as part of the Consent Agenda.

5. [2021-0299](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS INCLUDING UPDATES RELATED TO CERTAIN AUTHORIZED AND PROHIBITED INVESTMENTS

On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-100 as part of the Consent Agenda.

6. [2021-0338](#) SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES LOCATED AT 880 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO, WHICH LEASEHOLD INCLUDES THE COASTERRA, C-LEVEL, AND ISLAND PRIME RESTAURANTS:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND

ASSUMPTION OF THE LEASEHOLD INTEREST FROM SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD; AND,

B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD TO UPDATE LEASE TO CURRENT TERMS; AND,

C. RESOLUTION CONSENTING TO A SUBLEASE BETWEEN SUNROAD HARBOR ISLAND, INC., AND KIRSCHCOHN, INC., FOR A TWENTY FIVE-YEAR TERM WITH A NINE-YEAR AND 11-MONTH OPTION TO EXTEND.

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. [2021-0314](#) RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE MEMORANDA OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 (SERVICE, MAINTENANCE, OPERATIONS AND CRAFTS UNIT; NON-SWORN SAFETY PERSONNEL UNIT; SUPERVISORY UNIT)  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-101 as part of the Consent Agenda.**
8. [2021-0320](#) RESOLUTION PROCLAIMING SUPPORT FOR CALIFORNIA CLEAN AIR DAY, A PROJECT OF THE COALITION FOR CLEAN AIR, ON OCTOBER 6, 2021  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-102 as part of the Consent Agenda.**
9. [2021-0322](#) RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION APPROVED BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-103 as part of the Consent Agenda.**
10. [2021-0323](#) ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$80,000 WITH MUTUAL INDEMNIFICATION BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND PREMISE HEALTH EMPLOYER SOLUTIONS, LLC ON BEHALF OF EHEALTHSCREENING TO PROVIDE ON-SITE COVID-19 TESTING



*Commissioner LeSar asked a clarifying question regarding this item. Joe Stuyvesant, President/CEO, responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-104 as part of the Consent Agenda.**

11. [2021-0297](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 1 TO AGREEMENT FOR LEGAL SERVICES WITH ALLEN, MATKINS, LECK, GAMBLE, MALLORY & NATSIS LLP INCREASING THE NOT-TO-EXCEED AMOUNT BY \$860,000 FROM \$175,000 TO \$1,035,000; FY 2022 EXPENDITURES ARE BUDGETED, ALL FUNDS 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 Moore, the Board adopted Resolution 2021-105 as part of the Consent Agenda.**

## **PUBLIC HEARING AGENDA**

12. [2020-0102](#) 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 THE 2021 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) SPECIAL EDITION

*Wileen Manaois, Director of Development Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0102 (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 Cameron McLeod, Associate Planner, to provide overview of project site, safety and security restrictions, use of the Embarcadero Marina Park South, the Coastal Development Permit, and staff recommendations.*

*Vice-chair Malcolm opened the public hearing for comment. The following member(s) of the public addressed the Board with agenda-related comments: Janet Rogers, Safe Walkways.*

*Vice-chair Malcolm closed the public hearing.*

*Vice-chair Malcolm provided comments.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board adopted Resolution 2021-106. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

Abstain: 0

Recused: 0

## **ACTION AGENDA**

13. [2021-0132](#) SHELTER ISLAND YACHT BASIN (SIYB) DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:
- A. INFORMATIONAL UPDATE ON A PROPOSED PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED ANTIFOULING PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND
  - B. DIRECTION TO STAFF ON A DRAFT AMENDMENT TO SECTION 4.14 OF THE DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING, TO IMPLEMENT THE TEMPORARY PAUSE

*Jason Giffen, Vice President, Planning and Environment, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0132 (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 David Gibson, Executive Officer, San Diego Regional Water Board, to discuss the project partnership between the Port of San Diego and the Regional Water Board, and the Total Maximum Daily Load (TMDL) Compliance. Mr. Gibson then turned the presentation over to Kelly Tait, Program Manager, Environmental Protection, to discuss water quality, in-water hull cleaning and water quality, and the Shelter Island Yacht Basin Profile and hull cleaning projections. Ms. Tait then turned the presentation over to Karen Holman, Director, Environmental Protection, to discuss recent public engagement efforts and Pause Study details, and to close presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Cleve Hardacher, Recreational Boaters of California; Jerry Desmond, Recreational Boaters of California; Aniela Burant, Senior Environmental Scientist at California Department of Pesticide Regulation; Becki Wolters, Sub H2o Underwater Marine Maintenance; Steve Frailey, Southwestern Yacht Club; and Van Johnson, Dirty Bottoms Diving Service.*

*Vice-Chair Malcolm and Commissioner Bonelli provided comments. Commissioner Bonelli, for the record, requested that if the Port does not get good science from this report, that the Port make that those findings public.*

**Commissioner Bonelli called for a motion to implement the temporary pause and move the end date to February 9 to allow for the Regatta Race schedule.**

**Commissioner Malcolm asked for a friendly amendment to include direction to staff to find a specific site outside of Shelter Island that can be made available to boaters and boat cleaners for the duration of the pause. Commissioner Bonelli accepted the friendly amendment. Commissioner Malcolm seconded the motion. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**14. [2021-0255](#) PRESENTATION ON THE DISTRICT'S DEFINED BENEFIT PLAN BY THE RETIREMENT PLAN ADMINISTRATOR**

*Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0255 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Yeilding then turned the presentation over to Gregg Rademacher, Chief Executive Officer, SDCERS, to provide an overview of the valuation process and to provide a better understanding of key assumptions. Mr. Rademacher then turned the presentation over to Marcelle Voorhies Rossman, Deputy Chief Executive Officer, SDCERS, to further discuss the valuation process. Ms. Voorhies Rossman then turned the presentation back to Mr. Rademacher to discuss timing of valuation results, and results of the funding ratio survey comparing the Port with other organizations.*

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

*Commissioner LeSar, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Rademacher, and Ms. Voorhies Rossman responded.*

**15. [2021-0321](#) A. ADOPT ORDINANCE AMENDING THE FY 2022 BUDGET INCREASING:**

1. NON-PERSONNEL APPROPRIATION BY \$2,568,800
2. EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$547,000, AND
3. TECHNOLOGY CAPITAL PROJECTS APPROPRIATION BY \$52,000

THE ABOVE INCREASES WILL BE FUNDED FROM THE FOLLOWING RESULTING IN NO IMPACT TO THE DEFICIT:

1. \$2,052,000 UNBUDGETED REVENUE RECEIVED AS A PARTICIPATION FEE FOR A TENANT ASSET SALE
2. \$730,000 FROM PARKING REVENUE, LOW CARBON FUEL STANDARD (LCFS) CREDITS, NEVP MAINTENANCE FUND, AND AN INSURANCE RECOVERY
3. \$385,800 IN SAVINGS FROM VACANCIES IN THE PERSONNEL APPROPRIATION

B. ADOPT RESOLUTION APPROVING A FY 2022 BUDGET TRANSFER OF \$385,800 FROM PERSONNEL EXPENSE APPROPRIATION TO THE NON-PERSONNEL EXPENSE APPROPRIATION TO FUND THE BALANCE OF THE BUDGET AMENDMENTS TO MAINTAIN THE CURRENT BUDGETED DEFICIT

## PURSUANT TO BPC POLICY NO. 90

*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0321 (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: Jennifer Mills.*

*No Commissioner comments were provided.*

**On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board adopted Ordinance 3020. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**16. [2021-0300](#) INFORMATIONAL UPDATE ON DIVERSITY, EQUITY, AND INCLUSION WORK AND INVITING FEEDBACK AND DIRECTION TO STAFF**

*Shirley Hirai, Manager, Diversity, Equity & Inclusion, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0300 (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: Danny Serrano, Environmental Health Coalition.*

*Commissioner LeSar, Commissioner Naranjo, and Vice-Chair Malcolm provided comments.*

**17. [2021-0309](#) INFORMATIONAL UPDATE ON FUNDING ANALYSIS, CONCEPTS, AND POTENTIAL DISTRICT FEES RELATED TO ZERO EMISSIONS INITIATIVES AND DIRECTION TO STAFF.**

*Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0309 (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 over to Stephen Schafer, Principal, Economics & Policy, to provide feasibility study background, an update on the market feasibility and elasticity analysis, and additional electrification initiatives updates. Mr. Schafer then turned the presentation to Josefina Khalidy, Principal, Maritime, to discuss Port competitors and transportation network, overview of the study of fees, additional electrification initiatives and updates, future tasks, and to close presentation.*

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

*comments: Danny Serrano, Environmental Health Coalition.*

*Commissioner Naranjo, Commissioner Moore, Commissioner LeSar, and Vice-Chair Malcolm, provided comments and asked clarifying questions. Mr. Schafer, and Joe Stuyvesant, President/CEO, responded.*

**18.     [2021-0290](#)     SEAPORT VILLAGE:**

A) ORDINANCE GRANTING A LEASE TO HAMPTONS NEWPORT BEACH, LLC DBA SHOREBIRD FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 885 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$227,500 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

B) ORDINANCE GRANTING A LEASE TO SD 4 FISH LLC DBA GLADSTONE'S FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 861 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$1,250,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

C) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$450,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,050,000 AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 - PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS. 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

*Tony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2021-0290 (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 Lucy Contreras, Department Manager, Real Estate, to provide an overview of Seaport Village leasing activity. Ms. Contreras then turned the presentation over to Alexa Paulus, Program Manager, Real Estate, to provide details regarding the proposed leases with Shorebird and Gladstone's, the proposed amendment with Retail Insite, and staff*

*recommendations.*

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

*Vice-Chair Malcolm, Commissioner LeSar, and Commissioner Bonelli, provided comments and asked clarifying questions. Mr. Gordon responded.*

**On a motion by Commissioner LeSar, seconded by Commissioner Bonelli, the Board adopted Ordinance 3021, Ordinance 3022, and Resolution 2021-108. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**19.     [2021-0305](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 12, 2021 MEETING**

**On a motion by Commissioner Bonelli, seconded by Commissioner LeSar, the board approved the proposed agenda. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, LeSar, Malcolm, Moore, and Naranjo

**Nays:** 0

**Excused:** 2 - Castellanos, and Zucchet

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **OFFICER'S REPORT**

**20.     [2021-0332](#)     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 Christine Jones - City of San Diego Commission for Arts and Culture for City of San Diego Monument for Convention Center Art "Journey to Aztlan" by Jamex and Elinar de la Torre, 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:

A) Amendment No. 1 to Lease (#70454) with Seaport Fudge Factory, Inc. dba Seaport Coffee & Fudge Factory - Article 4 Section 4.2.4 COVID-19 Rent Relief

B) Amendment No. 1 to Lease (#68884) with Water View Restaurants, Inc. dba Edgewater Grill - Article 4, Section 4.7, Right of Entry; Article 5, Sections 5.1.7 & 5.1.8, COVID-19 Rent Deferral and Relief

C) Amendment No. 1 to Lease (#68883) with Water View Restaurants, Inc. dba San Diego Pier Café - Amends Sections 5.1.7, 5.1.8 & 4.7 Related to COVID-19 Rent Deferral and Relief, and Right of Entry

D) Amendment No. 1 to Lease (#70416) with American Heroes, Inc. dba American Heroes - Amends Section 4.2.4 Regarding COVID-19 Rent Relief

E) Amendment No. 1 to Lease (#70456) with Alamo Flags, Inc. dba Alamo Flags - Amends Section 4.2.4 Related to COVID-19 Rent Relief

F) Amendment No. 1 to Lease (#70415) with Best of San Diego, Inc. dba Seaport Island Fashion - Amends Section 4.2.4 Related to COVID-19 Rent Relief

G) Amendment No. 1 to Lease (#70694) with Bel-Born Management Corporation dba The Village Hat Shop - Amends Section 4.2.4 Related to COVID-19 Rent Relief

H) Amendment No. 1 to Lease (#70516) with Seaport Harbor Investment Properties, Inc. dba Hot Licks - Amends Lease to Add Section 4.2.4 Covid-19 Rent Relief

*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, October 12, 2021

10:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding.*

#### 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. [2021-0360](#) Closed Session Item No. 1

#### CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Karen Porteous, Michelle Corbin

#### 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.*

2. [2021-0361](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Parcels consisting of approximately 265,758 square feet of land area and 98,424 square feet of water area at 1313 Bay Marina Drive, National City

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

Austal USA - Larry Ryder

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

3. [2021-0362](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Properties: 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  
SDUPD - Parcels consisting of approximately 413,820 square feet of land area and 335,450 of water area to the south in between North Harbor Drive and the Harbor Island East Basin, San Diego

SDUPD - Parcels consisting of approximately 399,059 square feet of land and 358,820 square feet of water located at 2145 East Belt Street, San Diego

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Ryan Donald, Amber Jensen, Amy Tigri

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0364](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Properties:

SDUPD - Approximately 146,070 square feet of tideland area located at  
1220 Pacific Highway in the City of San Diego, California

Approximately 164,181 square feet of tideland area and approximately  
93,330 square feet of water area located adjacent to 1313 Bay Marina  
Drive in the City of National City, California

Approximately 84,942 square feet of tideland area located at 1900  
Tidelands Avenue in the City of National City, California

Negotiating Parties:

United States Navy - Naval Facilities Engineering Systems Command  
(NAVFAC) Southwest

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

Under Negotiations: Price and Terms

*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, October 12, 2021

1:00 PM

Virtual

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding.*

#### 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: Peter Flournoy, Tuna Harbor Dockside Market; Carol Green; Derrick Montemayor; and K.B. Strange.*

#### D. Board Committee Reports.

*Commissioner Malcolm provided a report on the September 21, 2021 Audit Oversight Committee. Commissioner Malcolm shared that the Port Auditor, Mark Yeilding, presented changes to three Board of Port Commissioner Policies, BPC No. 035, Powers and Functions of the Port Auditor, BPC NO. 630 – Fraud Prevention Policy, and BPC No. 776 – Port Audit Oversight Committee. Commissioner Malcolm explained that the changes incorporated were based on best practice presentations along with Audit Committee and Board direction. Commissioner Malcolm announced that the Audit Committee recommended the proposed changes for approval by the Board today (Consent Agenda Item 6 - File No. 2021-0256). Additionally, the Port Auditor reviewed the annual report for Fiscal Year 2021 which included the Office of the Port Auditor's Key Performance Metrics for FY 2021. The Office of the Port Auditor outperformed their set Key Performance Indicators (KPI's) in six out of seven measures. The committee also received an update on reports made to the Port's Fraud and Ethics Hotline between July and September. The Committee also heard from Scott Clark, Financial Services Deputy Treasurer, who provided an overview and update on the implementation of GASB 87 standards. Finally, Billy Marsh, the Port's Chief Information Security Officer, gave an update on the Port's cybersecurity including how phishing emails are handled. Commissioner Malcolm then shared that the next Audit Oversight Committee meeting will*

*be held on Tuesday, December 7, which will include the presentation and acceptance of the Comprehensive Annual Financial Report and Single Audit for Fiscal Year 2021 and presentations on Data Analytics, Dashboards, and Continuous monitoring initiatives by the Office of the Port Auditor.*

*Commissioner Castellanos provided a report on the September 22, 2021, Environmental Advisory Committee (EAC) meeting. Commissioner Castellanos shared that the Committee received presentations on the following topics: an update on the Blue Economy Incubator pilot projects; an overview of the restorative aquaculture planning process; and a high-level overview of Port blue carbon opportunities, including the U.S. Maritime Administration's funding of the San Diego Bay Blue Carbon Eelgrass Study. The last presentation was on the San Diego Bay Native Oyster Living Shoreline Project. The Living Shoreline Project was recently awarded \$1 million in grant funding from the California Coastal Conservancy and U.S. Fish & Wildlife Service. The grant will fund construction and installation of the reef balls that will form the living shoreline project. Commissioner Castellanos explained that the reef ball construction uses crushed oyster shells mixed with concrete and the oyster shells embedded in the concrete encourages larval oysters to settle onto the reef balls. As the oysters grow, they build a living structure that supports native species and has the potential to dampen wave energy and protect the coastline from erosion. Commissioner Castellanos announced that the public works agreement to install the 360 reef balls is on today's consent agenda (Consent Item 7 - File No. 2021-0281), and added that the next EAC meeting is scheduled for December 1, 2021.*

## **E. Commissioners' Reports.**

*Commissioner Naranjo provided a report regarding the September 21st AB 617 Steering Committing meeting. Commissioner Naranjo shared that the Committee voted to send a letter of support for UCSD's and Scripps' hydrogen-hybrid coastal research vessel. Commissioner Naranjo explained that this "first-of-its-kind" hydrogen-hybrid vessel will feature an innovative propulsion system that will use hydrogen fuel cells to enable zero-emission operations for 75% of the ship's expeditions. The Steering Committee also received a presentation from Air Pollution Control District (APCD) staff on community identified emission reduction projects. In addition to a status update on the APCD's residential air filtration project, APCD staff shared a tentative framework to advance a Zero Emission Truck Program and Zero Emission Port Equipment, both of which are included in the AB 617 Community Emissions Reduction Program (CERP) and the Port's Maritime Clean Air Strategy (MCAS). The tentative framework for trucks, that was shared included: working with Port to recruit truck owners and operators; \$4 million in initial funding allocation; up to \$250,000 per truck or 90% of the truck's cost; and no scrappage requirement. Commissioner Naranjo also shared that the tentative framework for Port equipment is not as mature, but current ideas include: \$3 million in initial funding allocation; 90% funding; and no scrappage requirement. Commissioner Naranjo added that APCD staff plans to continue to work on refining these proposals and send it to the California Air Resources Board for their feedback.*

## **F. President's Report.**

*Joe Stuyvesant, President/CEO, announced that he is deferring his President's report to a future Board meeting in the interest of time.*

## **G. District Clerk's Announcements.**

*Donna Morales, District Clerk, announced that Item 11 - File No. 2021-0334 on the consent agenda will require a 4/5 vote approval for passage.*

*Additionally, Ms. Morales shared that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Action Agenda Item 14 - File No. 2021-0293, and Action Agenda Item 15. File No. 2021-0345.*

*There are no requested docket changes for this Board meeting.*

## **APPROVAL OF MINUTES**

[2021-0368](#)

Approval of minutes for:

September 14, 2021 - CLOSED SESSION

September 14, 2021 - BPC MEETING

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

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **CONSENT AGENDA**

**Commissioner Bonelli called for a motion to adopt the Consent Agenda with the exception of Item 8 - File No. 2021-0291, Commissioner Malcolm seconded the motion. Commissioner Castellanos called for a friendly amendment to also take Item 12 - File No. 2021-0306 separately from the Consent agenda as he needs to recuse himself from the Item. Commissioner Bonelli and Commissioner Malcolm accepted the friendly amendment thereby adopting the revised Consent Agenda as follows Resolution 2021-111; Resolution 2021-112; Resolution 2021-113; Resolution 2021-114; Ordinance 3023; Resolution 2021-115; Resolution 2021-116; Resolution 2021-117; Resolution 2021-118; Resolution 2021-119; Resolution 2021-125; Resolution 2021-126; Resolution 2021-127; and Resolution 2021-130. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0107](#) 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 FY2020 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-111 as part of the Consent agenda.**
2. [2021-0108](#) 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 FY2020 GRANT PROGRAM, AND GRANTING INDEMNITY TO THE CITY OF SAN DIEGO  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-112 as part of the Consent agenda.**
3. [2021-0109](#) RESOLUTION ACCEPTING THE FY21 PORT SECURITY GRANT PROGRAM (PSGP) AWARDS FOR A TOTAL AMOUNT OF \$910,000.00, REQUIRING A COST MATCH OF \$303,334.00, 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.  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-113 as part of the Consent agenda.**
4. [2021-0165](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2021 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH  
  
**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-114 as part of the Consent agenda.**
5. [2021-0205](#) A) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$350,000 FOR AN INCREASE TO THE U.S. COAST GUARD PHASE II TENANT IMPROVEMENTS PROJECT TO BE FUNDED FROM THE U.S. COAST GUARD/GENERAL SERVICES ADMINISTRATION (GSA) REIMBURSEMENT OF \$350,000.  
  
B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR \$400,000 FOR CONTRACT NO. 2019-38, U.S. COAST GUARD PHASE II TENANT

IMPROVEMENTS PROJECT, AND INCREASING THE APPROVED PROJECT BUDGET BY \$350,000, PURSUANT TO BPC POLICY NO. 110, FOR A NEW TOTAL PROJECT BUDGET OF \$3,800,000. A MAJORITY OF THIS INCREASE IS ATTRIBUTABLE TO U.S. COAST GUARD REQUESTED MODIFICATIONS AND IS ANTICIPATED TO BE REIMBURSED BY THE GENERAL SERVICES ADMINISTRATION PURSUANT TO THE LEASE.

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Ordinance 3023 and Resolution 2021-115 as part of the Consent agenda.**

6. [2021-0256](#) RESOLUTION AMENDING
- A) BOARD OF PORT COMMISSIONERS POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR AMENDED TO ESTABLISH REQUEST FOR PROPOSAL REQUIREMENTS.
  - B) BOARD OF PORT COMMISSIONERS POLICY NO. 630 - FRAUD PREVENTION POLICY AMENDED TO UPDATE THE LANGUAGE TO BE IN-LINE WITH THE CURRENT ORGANIZATIONAL STRUCTURE AND REPORTING AVENUES.
  - C) BOARD OF PORT COMMISSIONERS POLICY NO. 776 - PORT AUDIT OVERSIGHT COMMITTEE POLICY AMENDED TO ESTABLISH TERM LIMITS FOR THE THREE PUBLIC MEMBERS AND RESIDENCY REQUIREMENT.

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-116, Resolution 2021-117, and Resolution 2021-118 as part of the Consent agenda.**

7. [2021-0281](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDDING CONTRACT NO. 2021-08 TO LARISON CONTRACTING CORP. IN THE AMOUNT OF \$531,995 FOR THE SAN DIEGO BAY NATIVE OYSTER LIVING SHORELINE PROJECT, CHULA VISTA, CA, AS AUTHORIZED BY THE BOARD IN THE FY 2022 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-119 as part of the Consent agenda.**

9. [2021-0317](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT TO CONTRIBUTE FUNDS FROM THE MARITIME INDUSTRIAL IMPACT FUND FOR THE PURCHASE OF NEW PORTABLE AIR FILTRATION DEVICES AND AIR MONITORING SYSTEMS IN SUPPORT OF THE PORTSIDE AIR QUALITY IMPROVEMENT AND RELIEF PROGRAM

*Commissioner Castellanos reserved his comments for this item at a future time, however he wanted to thank the County for their efforts on this item.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the**



**Board adopted Resolution 2021-125 as part of the Consent agenda.**

10. [2021-0333](#) RESOLUTION AUTHORIZING FIVE YEAR AGREEMENT WITH XEROX CORPORATION TO PROVIDE MANAGED PRINT SERVICES AND DOCUMENT PRODUCTION AND PUBLISHING FOR A TOTAL AGGREGATE NOT TO EXCEED AMOUNT OF \$1,500,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS REQUIRED FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED AND FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR AND COST ACCOUNT, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-126 as part of the Consent agenda.**
11. [2021-0334](#) RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-127 as part of the Consent agenda.**
13. [2021-0358](#) RESOLUTION APPROVING GRANT OF INDEMNITY TO LORDSTOWN EV SALES LLC RELATED TO PURCHASE OF ELECTRIC TRUCKS
- On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-130 as part of the Consent agenda.**

## **ACTION AGENDA**

12. [2021-0306](#) SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES LOCATED AT 880 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO, WHICH LEASEHOLD INCLUDES THE COASTERRA, C-LEVEL, AND ISLAND PRIME RESTAURANTS:
- A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD; AND,
- B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD TO UPDATE LEASE TO CURRENT TERMS; AND,
- C. RESOLUTION CONSENTING TO A SUBLEASE BETWEEN SUNROAD HARBOR ISLAND, INC., AND KIRSCHCOHN, INC., FOR A TWENTY FIVE-YEAR TERM WITH A NINE-YEAR AND 11-MONTH

### OPTION TO EXTEND.

*This item was removed from the Consent Agenda. Commissioner Castellanos recused himself due to a relationship one of his partners has with one of the involved parties and did not participate in this item.*

**On a motion by Commissioner LeSar, seconded by Commissioner Malcolm, the Board adopted Resolution 2021-128, Ordinance 3024, and Resolution 2021-129. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

8. [2021-0291](#) RESOLUTIONS FOR AS-NEEDED SERVICE AGREEMENTS FOR FIVE-YEAR DURATIONS, WITH NO INCREASE TO THE MAJOR MAINTENANCE AND CAPITAL IMPROVEMENT PROGRAM BUDGETS, AS FOLLOWS:

A) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH RICK ENGINEERING COMPANY, NASLAND ENGINEERING, HARRIS & ASSOCIATES, INC., MICHAEL BAKER INTERNATIONAL, INC., NV5, INC., AND PSOMAS FOR AS-NEEDED CIVIL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$4,000,000

B) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH ARCADIS, U.S., INC., HARRIS & ASSOCIATES, INC., AECOM TECHNICAL SERVICES, AND HDR ENGINEERING, INC. FOR AS-NEEDED PROJECT MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR AN AMOUNT NOT TO EXCEED \$2,500,000

C) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH MOFFAT & NICHOL, SIMPSON GUMPERTZ & HEGER, INC., TRITON ENGINEERS, INC., AND GHD, INC. FOR AS-NEEDED MARINE STRUCTURAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$4,000,000

D) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH BUREAU VERITAS NORTH AMERICA, INC., NV5 INC., AND INTERWEST CONSULTING GROUP FOR AS-NEEDED QUALITY CONTROL AND DESIGN REVIEW SERVICES FOR AN AMOUNT NOT TO EXCEED \$500,000

E) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES FOR AN AMOUNT NOT TO EXCEED \$800,000

*This item was pulled from the Consent Agenda.*

Commissioner LeSar made a motion to add to the requirement that, prior to the execution of the agreements and at each agreement anniversary, companies shall provide their standard workforce report and their ownership report; and to include this as a standard requirement as part of the Port's Request for Proposals process. Commissioner Castellanos seconded the motion, the Board thereby adopted Resolution 2021-120, Resolution 2021-121, Resolution 2021-122, Resolution 2021-123, and Resolution 2021-124. The motion carried by the following vote:

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner Bonelli left the meeting at 4:45 pm and did not return.*

14. [2021-0293](#) MARITIME CLEAN AIR STRATEGY:
- A) PRESENTATION ON THE DISTRICT'S DRAFT FINAL MARITIME CLEAN AIR STRATEGY, DATED OCTOBER 2021, INCLUDING AN OVERVIEW OF COMMENTS RECEIVED DURING THE SECOND 30 -DAY PUBLIC REVIEW PERIOD AND DIRECTION TO STAFF; AND
- B) RESOLUTION ADOPTING THE MARITIME CLEAN AIR STRATEGY, DATED OCTOBER 2021

*Larry Hofreiter, Program Manager, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0293 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Hofreiter then turned the presentation over to Maggie Weber, Senior Planner, Planning, to provide overview of the MCAS development process, public engagement timeline, and public comment themes. Ms. Weber then turned the presentation back to Mr. Hofreiter to review the comments in more detail and staff response to the comments, the summary of changes made to the draft MCAS document, and staff recommendations.*

*The following member(s) of the public addressed the Board with agenda-related comments: Keith Corey, Office of San Diego City Mayor Todd Gloria; Marcos Holguin, International Long Shore and Warehouse Local 29 and 94; Raymond Leyba; Cristina Marquez IBW Local 569; Sharon Cloward, San Diego Port Tenants Association (with time ceded by John Laun); Sophie Silvestri, Pasha Automotive Services; Salvatore Abrica; Sara Marsh; Anthony Soniga, Local 29; Jack Monger, Industrial Environmental Association; Monserrat Hernandez, Environmental Health Coalition (presentation with time ceded by Allie Fen, Joy Williams, Angelica, Estrada, Laura Benevidez, and Nancy Cruz); Diane Takvorian and Danny Serrano, Environmental Health Coalition (presentation with time ceded by Dominique Navarro, Franco Garcia, and Kyle Heiskala); A. Luna; Gilbert Salgado; Angelina Sanchana; Angie Spiro; Alfonso Torres; Crystal Cruz; Camron Pate; Christine Torres; Domingo Vigil, Deputy Director, San Diego County Air Pollution Control District; Jimmy Bartley; Jesus Mendoza; Lydia Pacer, Environmental Manager, BAE Systems; Lianna Rios, EV Customer Solutions Manager, SDG & E; Manuel Enriquez; Maritza Garcia; Maya Tahir Ramani, Harborside Refrigerated Services; Nicolas Blanco Kohn; Norman Paraiso; Name not provided; Kristen Joseph on behalf of Ray Carpenter, President, RE Staite Engineering; Steve Butts; Sylvia Calzada; Steve Frailey; Sara Mourino, Sustainability Director, SSA Marine; Steve Spittle; Name not provided; V. Castillo; Coleen Clementson, Planning Director, San Diego Association of Governments; Catalina Tita Puente; Chelsea Elizarde; Angelica Ramirez; Alicia Sanchez; Carmen Garciola; Franciso Hernandez; Maritza Garcia; Margarita Moreno; and Ricardo Vilamontes.*

*Chairman Zucchet, Commissioner Naranjo, Commissioner Malcolm, Commissioner LeSar, Commissioner Castellanos, Commissioner Moore, provided comments and asked clarifying questions. Phil Gibbons, Program Manager, Energy, Jason Giffen, Vice President, Mr. Hofreiter, Mike LaFleur, Vice President, Maritime, Stephen Shafer, Principal, Economics and Policy, Joe Stuyvesant, President/CEO, and Josefina Khalidy, Principal, Maritime Business Retention, responded.*

**Commissioner Naranjo made a motion, seconded by Chairman Zucchet, subsequently amended with the consent of the maker and the second, to adopt the Maritime Clean Air Strategy as recommended by Staff with the following changes:**

**1. Prepare a heavy duty truck transition plan by January 2022 with ZE heavy-duty transition benchmarks of 40% by June 30, 2026 and 100% by December 31, 2030 that includes the following:**

- A compilation of all foreseeable tasks and their timelines including: charging infrastructure development; planning and implementation of a short-haul truck program, and creation of a truck registry.**
- Development of key policy concepts such as additional revenue source mechanisms and guidelines to utilize them; and, new lease provisions for ZE truck requirements. This section should include the process required for consideration and adoption by the Board as well as their projected hearing dates.**
- Compilation and analysis of truck data (e.g., truck ownership, delivery distances within the San Diego region and beyond) needed to prepare the transition plan.**

**2. Prepare a baseline of 100,000 truck trips consisting of heavy duty diesel and natural gas truck trips. Utilize the baseline for projecting truck transition from diesel and natural gas to zero emission per the transition benchmarks above.**

**3. Edit the MCAS Definitions to add trucking-related definitions as follows:**

- a. Trucking Company - Licensed motor carrier registered with the Secretary of State, registered with the Federal Motor Carrier Safety Administration.**
- b. Independent Trucker - A person that has their own operating authority, like the licensed motor carrier and operates one truck all on their own.**
- c. Owner Operator - A person that owns a truck but does not hold any operating authority. To be clear, Owner Operator is not a legal definition with regards to employment status, only the relationship between the owner and their equipment.**
- d. Truck Driver - A person that holds the proper license to drive the equipment.**

**4. Edit the MCAS language in Section s3.1 Assumptions and Advancements to read as follows:**

**a. "Maritime tenants and businesses create important maritime workforce jobs for the region. The maritime terminal workforce includes longshore workers, terminal operators, and administrative employees, trucking companies and independent truckers, rail employees, transportation service providers, and others. The MCAS initiatives, including the development of clean technology, should support the existing workforce, but must balance workforce growth and economic development with achieving health equity for those that have been most disproportionately impacted by port and port tenant operations. The port acknowledges that the following conditions and advancement are important to help meet the MCAS long-term goals.**

**Capability: The state of heavy-duty truck technology meets the load and daily mileage requirements, including cargo movements within the port's marine cargo marine terminals, and are commercially available for cargo transported to and from the port's marine cargo terminals**

**Infrastructure: Zero emission infrastructure is available and accessible.**

**Capital Expenditures: Procurement costs of zero emission vehicles and equipment will continue to be partially offset by grant subsidies and other financing mechanisms to help achieve parity with traditionally powered vehicles and equipment. Additionally, it assumes technologies and markets will continue to mature.**

**Commercial Availability: Commercial availability of vehicles and equipment will continue to increase, particularly with specialized equipment, such as electric, top handlers and autocarrier trucks.**

**Education and training: The port will help promote the number of trained service personnel to repair and maintain zero emission equipment and vehicles to help ensure that there is no undue disruption of cargo and maritime operations."**

**5. Include 2-year MCAS check ins that will be an opportunity to relook at these specific goals, analyze various sign posts and potentially make changes. The 2-year reviews will include looking at baseline, reforecasting, feasibility, state of technology, elasticity, health studies and funding availability.**

**The Board adopted Resolution 2021-131. The motion carried by the following vote:**

**Yeas:** 5 - Castellanos, LeSar, Moore, Naranjo, and Zucchet

**Nays:** 1 - Malcolm

**Excused:** 1 - Bonelli

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner LeSar left the meeting at 5:40 pm and did not return.*

**16. [2021-0349](#) AMERICAN RESCUE PLAN ACT (ARPA)**

A. ADOPT A RESOLUTION TO APPROVE AN ECONOMIC RECOVERY PROGRAM (ERP) FOR PROJECTS UTILIZING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS RECEIVED FROM THE STATE OF CALIFORNIA'S CORONAVIRUS FISCAL RECOVERY FUND OF 2021 AND GRANT AUTHORITY TO THE EXECUTIVE DIRECTOR OF THE SAN DIEGO UNIFIED PORT DISTRICT AND/OR HIS DESIGNEE TO SIGN ANY APPLICATION, FUNDING AGREEMENT AND ASSOCIATED DOCUMENTS TO RECEIVE ARPA FUNDS.

B. ADOPT A RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 090 TO ESTABLISH AN ECONOMIC RECOVERY PROGRAM (ERP) ORDINARY EXPENSES APPROPRIATED ITEM AND AN ERP CAPITAL OUTLAY APPROPRIATED ITEM FOR THE FUNDS IN THE ERP

C. ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY 2022 BUDGET BY ADDING \$10,000,000 TO THE ECONOMIC RECOVERY PROGRAM (ERP) ORDINARY EXPENSES CLASS APPROPRIATED ITEM AND \$90,000,000 TO ERP CAPITAL OUTLAY APPROPRIATED ITEM, TO BE FUNDED FROM THE FUNDS RECEIVED FROM THE STATE OF CALIFORNIA'S CORONAVIRUS FISCAL RECOVERY FUND OF 2021 RESULTING IN NO IMPACT TO THE DEFICIT.

*Job Nelson, Vice President, Strategy & Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0349 (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: National City Mayor Alejandra Sotelo Solis (presentation); Danny Serrano,*

*Environmental Health Coalition; Mac MacLaughlin; and Anthony Soniga.*

*Chairman Zucchet, Commissioner Naranjo, Commissioner Moore, and Commissioner Malcolm, provided comments, and asked clarifying questions. Mike LaFleur, Vice President, Maritime, Mr. Nelson, and Tracey Sandberg, Chief Technology Officer, responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Moore, the Board accepted staff recommendations and thereby adopted Resolution 2021-132, Resolution 2021-133, and Ordinance 3026. The motion carried by the following vote:**

**Yeas:** 5 - Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Bonelli, and LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner Moore left the meeting at 6:10 pm and did not return.*

- 15.**     [2021-0345](#)     ORDINANCE AMENDING SECTION 4.14 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING, TO IMPLEMENT A MANDATORY PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED ANTIFOULING PAINT IN SHELTER ISLAND YACHT BASIN STARTING DECEMBER 19, 2021, AND CONTINUING THROUGH FEBRUARY 9, 2022

*Karen Holman, Director, Environmental Protection, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0345 (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: Tom Driscoll, Driscoll Boat Works; and Tom Nielson, Nielson Beaumont Marine Inc.*

*Commissioner Malcolm provided comments and asked clarifying questions. Ms. Holman responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Castellanos, the Board adopted Ordinance 3025. The motion carried by the following vote:**

**Yeas:** 4 - Castellanos, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 3 - Bonelli, LeSar, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

17. [2021-0095](#) ADOPT A RESOLUTION ELECTING CHAIRMAN, VICE CHAIR AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS FOR 2022

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board continued this item to a future Board meeting. The motion carried by the following vote:**

**Yeas:** 4 - Castellanos, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 3 - Bonelli, LeSar, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

18. [2021-0335](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 9, 2021 MEETING

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board approved the proposed agenda for the November 9, 2021 Board meeting. The motion carried by the following vote:**

**Yeas:** 4 - Castellanos, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 3 - Bonelli, LeSar, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

19. [2021-0357](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2021-10 with Schindler Elevator Corporation - 30 Calendar Day Time Extension thru 09-19-21

B) Change Order No. 02 for Contract No. 2021-01 with M-Rae Engineering, Inc. - Increases Contract by \$17,767.90



C) Change Order No. 01 for Contract No. 2020-04 with Sierra Pacific West, Inc. - 43 Calendar Day Time Extension thru 10-15-21

D) Change Order No. 1 to Contract No. 2020-12 with Capital Industrial Restoration, Inc. - Increases Contract by \$6,148.54

E) Change Order No. 2 to Contract No. 2021-10 with Schindler Elevator Corporation - 60 Calendar Day Time Extension thru 11-18-21

F) Change Order No. 3 to Contract No. 2019-38 with SOLPAC Construction, Inc. dba Soltek Pacific Construction Company - Increases Contract by \$48,107.00 & 33 Calendar Day Time Extension thru 10-04-21

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 San Diego County Regional Airport Authority (SDCRAA) for 2020-137 SDCRAA Project Management Complex (PMC), for total amount \$18,578.00

B) Request for User Fee Waiver Form from San Diego County Regional Airport Authority (SDCRAA) for 2020-119 SDCRAA Ground Transportation Vehicle Staging Facility, for total amount \$21,360.00

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:

A) Amendment No. 1 to Lease (#70517) with Seaport Harbor Investment Properties, Inc. dba Magnuts - Amends Section 4.2.4 Related to COVID-19 Rent Relief

*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, November 9, 2021

10:00 AM

Don L. Nay Port Administration Boardroom

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Morales, Russell, Stuyvesant, and Yeilding.*

#### 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. [2021-0401](#) Closed Session Item No. 1

#### CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Karen Porteous, Michelle Corbin

#### 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.*

2. [2021-0400](#) Closed Session Item No. 2

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

Marine Group Boat Works' threat of litigation against the District pursuant to letter dated October 26, 2021, from Vincent J. Bartolotta regarding its leases in Chula Vista and National City

*No reportable action was taken on this item.*

3. [2021-0404](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Properties:

SDUPD - Approximately 146,070 square feet of tideland area located at 1220 Pacific Highway in the City of San Diego, California

Approximately 164,181 square feet of tideland area and approximately 93,330 square feet of water area located adjacent to 1313 Bay Marina Drive in the City of National City, California

Approximately 84,942 square feet of tideland area located at 1900 Tidelands Avenue in the City of National City, California

Negotiating Parties:

United States Navy - Naval Facilities Engineering Systems Command (NAVFAC) Southwest

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

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

4. [2021-0397](#) Closed Session Item No. 4

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.*

5. [2021-0398](#) 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 v. All Persons Interested in the Matter of the  
Validity of Ordinances  
San Diego Superior Court Case No. 37-2021-00028959-CU-MC-CTL

*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, November 9, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner LeSar

**Absent:** 0

*Commissioner Moore was excused until she arrived at 1:21 pm.*

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding*

#### 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, 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: Ann Riddle; Name not provided; and Peggy Walker.*

#### E. Board Committee Reports.

*Michelle Corbin, Director, Human Resources, provided a report on the Accessibility Advisory Committee (AAC) on behalf of Commissioner LeSar. Ms. Corbin shared that the AAC had its third meeting on October 14, 2021. Ms. Corbin explained that AAC meetings are conducted as-needed, and the purpose of the committee is to assist the Board with access, Americans with Disability Act (ADA) matters, and championing universal design. Presentations included an update on the Gaylord Pacific Project which incorporated feedback from previous presentations to the AAC including site plan and accessible routes, guest rooms, and convention center and hotel public spaces, some of the changes from previous presentations included hand bar placement in restrooms, removing barn doors from accessible bathrooms, moving light switches to be more accessible, and adjusting bed height. Finally, AAC recognized Disability Employment Awareness Month through multiple activities and highlighted some of the AAC members.*

**F. Commissioners' Reports.**

*Commissioner Naranjo provided a report on the October 19th AB 617 Steering Committee. Commissioner Naranjo explained that the meeting focused on Incident Response planning. Air Pollution Control District (APCD) staff explained several components of incident response, including the Unified Command Structure, Incident Notification Procedures, and Communication Strategies. Air District staff informed the committee they are drafting an incident response public participation plan and that they are currently recruiting a public information officer. Commissioner Naranjo shared that on November 4, 2021, APCD staff presented the Draft Incident Response plan to the APCD Governing Board, and plan to bring it back for final adoption in January.*

*Commissioner Castellanos shared that he took a tour of the San Diego State University Coastal and Marine Institute Lab, where Sunken Seaweed, one of the Port's Blue Economy Incubator pilot projects, is experimenting with growing a number of native seaweeds for food production and bioremediation. He saw different seaweed growing facilities along with a touch tank highlighting different marine animals. The lab is also experimenting with ranching purple sea urchin, which is referred to as uni at sushi restaurants. Commissioner Castellanos thanked Sunken Seaweed and the Coastal Marine Institute Lab for hosting the tour.*

*Commissioner Bonelli announced that as his second four-year term expires at the end of 2021, the Coronado City Council is in the process of appointing a new Commissioner. The City of Coronado is holding an informational public forum on November 10th at 6pm for Coronado residents to learn about serving as a Port Commissioner. The City of Coronado is accepting applications (must be registered voter and Coronado resident), through November 15, 2021, and will hold council interviews of candidates on November 30, 2021 at 3:00 pm. Commissioner Bonelli shared that more information regarding this opportunity can be found on the City of Coronado's website.*

**G. Special Recognition.**

*BPC Policy 250 - Service Recognition Program, allows employees that have achieved 15 or more years of service to be recognized during a Board meeting.*

*The following staff were recognized for their tenure: Kelly Missey, Senior Systems Administrator, Information Technology - 15 years of service; Ernesto Medina, Chief Engineer, Engineering-Construction - 15 years of service; Corporal Joseph Gutierrez, Harbor Police Department - 15 years of service; Officer Christine Sperry, Harbor Police Department - 20 years of service; and Corporal Ramon Colon, Harbor Police Department - 20 years of service.*

**H. President's Report.**

*Joe Stuyvesant, President/CEO, announced that the Port hosted the Association of Pacific Port's Annual Conference with delegates from around the Pacific Rim, from as far away as Guam and the Mariana Islands. Jason Giffen, Vice President, Planning & Environmental Protection, moderated a panel on Ports and Climate Resilience that included Eileen Maher, Director, Environmental Conservation, Dr. Clarissa Anderson from Scripps, Jason Golumbskie-Jones from the Navy, and Shalini Vajjhala from the new San Diego Regional Policy & Innovation Center. Mike LaFleur, Vice President, Maritime, was on a US Maritime Administration panel. Commissioner LeSar joined on Monday to hear an address from a Port of Long Beach commissioner. The highlight of the conference was a boat tour of San Diego Bay narrated by Marguerite Elicone, Marketing/Public*

*Relations Representative, with help from Commissioner Castellanos.*

*Mr. Stuyvesant then shared that the draft program Environmental Impact Report for the Port Master Plan Update (PMPU) was released on November 8th for public review. Those interested in reviewing the document or the latest version of the draft PMPU should visit the Port's PMPU webpage for more information, including links to those documents. Comments will be accepted through Thursday, December 23rd.*

*Mr. Stuyvesant then announced that Commissioner Moore accepted the Greg Cox Service Award--the Pioneer Award--which was presented to the Port by the South County Economic Development Council at their economic summit. The Port received this award primarily for the anticipated significant and positive economic impacts the Chula Vista Bayfront project will have on the community.*

*Mr. Stuyvesant then shared that from mid-September through mid-October, the Port celebrated National Hispanic/Latinx Heritage Month by reflecting on the rich heritage and culture of Hispanic/Latinx community. The Port highlighted some of the local art and history, and in the final week the Port highlighted Commissioner Castellanos and learned how his heritage influenced him in his role as a Port Commissioner.*

*Mr. Stuyvesant announced that October was National Disability Employment Awareness Month. This year's theme "America's Recovery: Powered by Inclusion," reflects the importance of hiring those with disabilities during the nation's financial recovery from COVID-19. Mr. Stuyvesant invited everyone to visit the online Museum of Disability History (<https://www.museumofdisability.org>) to discover remarkable stories of people with "disABILITIES". He also invited anyone interested to attend an Accessibility Advisory Committee Meeting here at the Port to find out first-hand how the committee assists the Board in championing universal design, ADA, and access for all.*

*Mr. Stuyvesant also announced that the Port is hiring. Since July 1st, the Port has hired 24 people, and have promoted 43 staff, with 66 positions currently in the recruiting process. Mr. Stuyvesant added that the Port is very mindful and thoughtful in casting a very wide net and the objective is to hire talented people who reflect the rich diversity of California and the U.S.*

*Lastly, Mr. Stuyvesant announced that Harbor Police Chief Mark Stainbrook is leaving the Port to be sworn in as Chief of Police for the City of Beverly Hills. The Port is grateful for his service to the organization, and for the effective work he did to improve the safety of all who visit the tidelands. Kirk Nichols is Acting Chief.*

## **I. District Clerk's Announcements.**

*Commissioner Naranjo announced that due to her husband being employed by Baker Electric, in an abundance of caution, she is recusing herself from this item due to requested docket changes involving Consent Agenda Item 11 - File No. 2021-0390, and did not participate in this item.*

*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: Approval of the Minutes; Action Agenda Item 15 - File No. 2021-0386; Action Agenda Item 17 - File No. 2021-0379; and Action Agenda Item 19 - File No. 2021-0381. And although not announced verbally at the meeting, the Board also received materials for Public Hearing Item 13 - File No. 2021-0063.*

*Additionally, Ms. Morales announced that staff requests the Board consider the following*



*docket changes: Consent Agenda Item 4 - File No. 2021-0359 - Item A no longer requires Board action as emergency repairs have been completed, with Items B and C still requiring Board action.*

*Staff requests the Board consider the following items to be continued to a future Board meeting: Public Hearing Item 11 - File No. 2021-0390; and Action Agenda Item 20 - File No. 2021-0391.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Malcolm, the Board adopted the requested docket changes.**

**Yeas:** 5 - Bonelli, Castellanos, Malcolm, Moore, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Naranjo

## **APPROVAL OF MINUTES**

[2021-0402](#)

Approval of minutes for:

October 12, 2021 - CLOSED SESSION

October 12, 2021 - BPC MEETING

*The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Health Coalition (with time ceded by Jose Franco Garcia).*

*Chairman Zucchet asked clarifying questions. Simon Kann, Senior Deputy Counsel, responded.*

*Commissioner Malcolm, Commissioner Bonelli, Commissioner Moore, Chairman Zucchet, and Commissioner Castellanos, provided comments. Mr. Kann, and Joe Stuyvesant, President/CEO, responded to Board comments.*

**Commissioner Naranjo made a motion to update the minutes to reflect the changes in Environmental Health Coalitions letter received on November 7, for item 1, item 2, item 3, and item 4; with the exception of "Prohibit the addition of new heavy-duty diesel and natural gas trucks in new leases from adding to the baseline" in number 2. The update would be as follows:**

**1. Prepare a heavy duty truck transition plan by January 2022 with ZE heavy-duty transition benchmarks of 40% by June 30, 2026 and 100% by December 31, 2030 that includes the following:**

- A compilation of all foreseeable tasks and their timelines including: charging infrastructure development; planning and implementation of a short-haul truck program, and creation of a truck registry.
- Development of key policy concepts such as additional revenue source mechanisms and guidelines to utilize them; and, new lease provisions for ZE

truck requirements. This section should include the process required for consideration and adoption by the Board as well as their projected hearing dates.

- Compilation and analysis of truck data (e.g., truck ownership, delivery distances within the San Diego region and beyond) needed to prepare the transition plan.

2. Adopt a baseline of 100,000 truck trips consisting of heavy duty diesel and natural gas truck trips. Utilize the baseline for projecting truck transition from diesel and natural gas to zero emission per the transition benchmarks above.

3. Edit the MCAS Definitions to add trucking-related definitions as follows:

- a. Trucking Company - Licensed motor carrier registered with the Secretary of State, registered with the Federal Motor Carrier Safety Administration.
- b. Independent Trucker - A person that has their own operating authority, like the licensed motor carrier and operates one truck all on their own.
- c. Owner Operator - A person that owns a truck but does not hold any operating authority. To be clear, Owner Operator is not a legal definition with regards to employment status, only the relationship between the owner and their equipment.
- d. Truck Driver - A person that holds the proper license to drive the equipment.

4. Edit the MCAS language in Section s.3.1 Assumptions and Advancements to read as follows:

- a. "Maritime tenants and businesses create important maritime workforce jobs for the region. The maritime terminal workforce includes longshore workers, terminal operators, and administrative employees, trucking companies and independent truckers, rail employees, transportation service providers, and others. The MCAS initiatives, including the development of clean technology, should support the existing workforce, but must balance workforce growth and economic development with achieving health equity for those that have been most disproportionately impacted by port and port tenant operations. The port acknowledges that the following conditions and advancement are important to help meet the MCAS long-term goals.

**Capability:** The state of heavy duty truck technology meets the load and daily mileage requirements, including cargo movements within the port's marine cargo marine terminals, and are commercially available for cargo transported to and from the port's marine cargo terminals.

**Infrastructure:** Zero emission infrastructure is available and accessible.

**Capital expenditures:** Procurement costs of zero emission vehicles and equipment will continue to be partially offset by grant subsidies and other financing mechanisms to help achieve parity with traditionally powered vehicles and equipment. Additionally, it assumes technologies and markets will continue to mature.

**Commercial availability:** Commercial availability of vehicles and equipment will continue to increase, particularly with specialized equipment, such as electric, top handlers and auto carrier trucks.

**Education and training:** The port will help promote the number of trained service personnel to repair and maintain zero emission equipment and vehicles to help

ensure that there is no undue disruption of cargo and maritime operations."

Chairman Zucchet seconded the motion. The motion failed by the following vote:

**Yeas:** 3 - Castellanos, Naranjo, and Zucchet

**Nays:** 1 - Moore

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 2 - Bonelli, and Malcolm

**Recused:** 0

## **CONSENT AGENDA**

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-134; Resolution 2021-135; Resolution 2021-136; Ordinance 3027; Resolution 2021-137; Resolution 2021-138; Resolution 2021-139; Resolution 2021-140; Ordinance 3028; Resolution 2021-141; Ordinance 3029; and Resolution 2021-142. The motion carried by the following vote:

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0104](#) RESOLUTION AUTHORIZING AGREEMENT WITH NMS MANAGEMENT INC. FOR FACILITY JANITORIAL AND RELATED MAINTENANCE SERVICES FROM DECEMBER 1, 2021 TO JUNE 30, 2027 FOR A NOT TO EXCEED AMOUNT OF \$2,550,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED IN THE AMOUNT OF \$210,000. 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 Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-134 as part of the Consent agenda.

2. [2021-0354](#) RESOLUTION AUTHORIZING PURCHASE AND INSTALLATION AGREEMENTS WITH INNOVATIVE SIGNAL ANALYSIS, INC. IN THE

AMOUNT OF \$388,548.15 FOR THE ACQUISITION AND INSTALLATION OF A PERSISTENT CAMERA SYSTEM INSTALLED AT THE MARINE SAFETY CENTER, 950 OCEAN LANE, IMPERIAL BEACH, CA, AS AUTHORIZED BY THE BOARD IN AN AMENDED AGREEMENT WITH THE COUNTY OF SAN DIEGO AND AS PART OF THE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2019. FUNDS FOR THESE AGREEMENTS HAVE BEEN BUDGETED IN THE HARBOR POLICE DEPARTMENT'S FY2022 BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-135 as part of the Consent agenda.

3. [2021-0356](#) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2021/2022

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-136 as part of the Consent agenda.

4. [2021-0359](#) A) RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY

B) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE MAJOR MAINTENANCE EXPENSE APPROPRIATION BY \$150,000 FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT TO BE FUNDED FROM AN INSURANCE REIMBURSEMENT OF \$150,000

C) RESOLUTION BY 2/3 VOTE APPROVING A \$100,000 TRANSFER OF FUNDS, PURSUANT TO BPC POLICY NO. 90 FROM THE FISCAL YEAR 2022 BUDGETED PERSONNEL EXPENSE APPROPRIATION TO THE MAJOR MAINTENANCE EXPENSE FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT FROM SAVINGS IN THE PERSONNEL APPROPRIATION RELATED TO VACANCIES

Item A no longer required Board action as reflected in the docket changes motion. On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted B - Ordinance 3027, and C - Resolution 2021-137 as part of the Consent agenda.

5. [2021-0353](#) RESOLUTION AUTHORIZING AMENDMENT TO AMENDED AND RESTATED SUBORDINATED, FULLY-NEGOTIABLE PROMISSORY NOTE WITH THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY TO MODIFY THE INTEREST RATE, WITH CONDITIONS

*Commissioner Malcolm congratulated staff actions related to this item.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-138 as part of the Consent agenda.**

6. [2021-0363](#) RESOLUTION ACCEPTING \$2,500,000.00 IN GRANT FUNDING FROM THE STATE OF CALIFORNIA, VW MITIGATION TRUST ZERO-EMISSION FREIGHT AND MARINE PROGRAM, TO PARTIALLY FUND ONE SHORE POWER STATION AND OUTLET AT NATIONAL CITY MARINE TERMINAL BERTH 24-10/11, AND AUTHORIZING AN AGREEMENT WITH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-139 as part of the Consent agenda.**

7. [2021-0380](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-140 as part of the Consent agenda.**

8. [2021-0385](#) ORDINANCE GRANTING A TEN (10) YEAR EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR THE OPERATION AND MAINTENANCE OF A TEMPORARY ELECTRICAL FACILITY IN THE CITY OF CHULA VISTA, CALIFORNIA

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3028 as part of the Consent agenda.**

9. [2021-0377](#) CALIFORNIA YACHT MARINA - CHULA VISTA, LLC LOCATED AT 640 MARINA PARKWAY, CHULA VISTA:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM CALIFORNIA YACHT MARINA - CHULA VISTA, LLC TO SHM SOUTH BAY, LLC DBA SAFE HARBOR SOUTH BAY; AND,

B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SOUTH BAY, LLC DBA SAFE HARBOR SOUTH BAY TO UPDATE LEASE TO CURRENT TERMS.

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-141, and Ordinance 3029 as part of the Consent agenda.**

10. [2021-0382](#) RESOLUTION ESTABLISHING THE BOARD OF PORT COMMISSIONERS' REGULAR MEETING DATES FOR CALENDAR YEAR 2022

**On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-142 as part of the Consent agenda.**

**PUBLIC HEARING AGENDA**

11. [2021-0390](#) TENTATIVE - SOLAR POWER PURCHASE AGREEMENT AT TENTH AVENUE MARINE TERMINAL (TAMT) TO SUPPORT THE MICROGRID INFRASTRUCTURE PROJECT
- A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION MAKING FINDINGS OF ENERGY SAVINGS FROM THE SOLAR POWER PURCHASE AGREEMENT AT TAMT PROJECT UNDER CALIFORNIA GOVERNMENT CODE SECTION 4217.10, ET SEQ.
- B) ADOPT RESOLUTION AWARDED AGREEMENT NO. XX-XX TO XXXXXXXXXXXX FOR THE 700 KILOWATT SOLAR PHOTOVOLTAIC SYSTEM ON THE WAREHOUSE B ROOF AT TAMT UNDER A 20 YEAR SOLAR POWER PURCHASE AGREEMENT AS AUTHORIZED BY THE BOARD
- C) RESOLUTION APPROVING CHANGE ORDER NO. X FOR CONTRACT TIME EXTENSION OF XXX DAYS FOR CONTRACT NO. 20-06, MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL PROJECT, TO ALIGN PROJECT COMPLETION WITH THE POWER PURCHASE AGREEMENT DELIVERABLES, 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.**
12. [2021-0337](#) 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

*Adam Deaton, Senior Trade Account Representative, Maritime, addressed the Board with*

*staff's report and presentation regarding Public Hearing Agenda Item 12 - File No. 2021-0337 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Chairman Zucchet opened the Public Hearing for comments. The following member(s) of the public addressed the Board with agenda-related comments: None.*

*Chairman Zucchet closed the Public Hearing.*

*Commissioner Malcolm, Commissioner Castellanos, Commissioner Moore, Commissioner Bonelli, provided comments and asked clarifying questions. Joel Valenzuela, Director, Maritime, and Mr. Deaton responded.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Malcolm, the Board adopted A - Resolution 2021-143.**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted B - Ordinance 3030. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

- 13.**     [2021-0063](#)     SUNROAD HIE HOTEL PARTNERS, L.P.'S PROPOSED SUNROAD HARBOR ISLAND EAST HOTEL PROJECT AT 851 HARBOR ISLAND DRIVE IN SAN DIEGO:

A) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT

**B) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL TO SUNROAD HIE HOTEL PARTNERS, L.P. FOR THE SUNROAD HARBOR ISLAND EAST HOTEL PROJECT**

*Commissioner Castellanos recused himself due to a relationship one of his partners has with one of the involved parties and did not participate in this item.*

*Wileen Manaois, Director, Development Services, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 13 - File No. 2021-0063 (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 a project overview including the location, public access components, the concept approval and the draft Coastal Development Permit, and staff recommendation.*

*Chairman Zucchet opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: Bridgette Browning, San Diego Labor Council; Uri Feldman, Sunroad Enterprises; Dan Mullen; and Clifford Wyler.*

*Chairman Zucchet, and Commissioner Malcolm, provided comments.*

**On a motion by Commissioner Malcolm, seconded by Chairman Zucchet the Board adopted A - Resolution 2021-144, and B - Resolution 2021-145. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

## **ACTION AGENDA**

**14. [2021-0343](#) DISCLOSURE TRAINING RELATING TO THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY REVENUE BONDS TO FUND THE PUBLIC INVESTMENT IN THE CONVENTION CENTER AND PHASE 1A IMPROVEMENTS**

*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0343 (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 Bob Whalen, Stradling Yocca Carlson & Rauth, to provide the training.*

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

*Commissioner Bonelli provided comments and asked clarifying questions. Mr. DeAngelis responded.*



**15. [2021-0386](#) MARINE GROUP BOAT WORKS, LLC LOCATED AT 1313 BAY MARINA DRIVE, NATIONAL CITY:**

**A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM MARINE GROUP BOAT WORKS, LLC TO AUSTAL USA, LLC; AND,**

**B. ORDINANCE GRANTING AN AMENDED, RESTATED AND COMBINED LEASE TO AUSTAL USA, LLC TO UPDATE LEASE TO CURRENT TERMS**

*Tony Gordon, Director, Real Estate, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0386 (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 Amber Jensen, Asset Manager, Real Estate, to provide overview of the site, Austal USA background, Austal's commitments for: emission reduction, local hire, community engagement, and environmental and air quality improvements; staff recommendation and to close out presentation.*

*The following member(s) of the public addressed the Board with agenda-related comments: Danny Serrano, Environmental Heath Coalition (with time ceded by Jose Franco Garcia); Lawrence Ryder and Rusty Murdaugh, Austal USA (presentation); Sharon Cloward, President, San Diego Port Tenants Association; Vincent Bartolotta, Attorney for Marine Group Boat Works; and Summer Bales, San Diego Regional Chamber of Commerce.*

*Commissioner Naranjo, Commissioner Bonelli, Commissioner Castellanos, Chairman Zucchet, Commissioner Moore, and Commissioner Malcolm, provided comments.*

**Commissioner Naranjo made a motion, seconded by Commissioner Bonelli, to accept staff recommendation:**

**A. Adopt a resolution consenting to the Assignment and Assumption of the Leasehold interest from Marine Group Board Works, LLC to Austal USA, LLC; and  
B. Adopt an ordinance granting and Amended and Restated and Combined Lease to Austal USA, LLC to update lease to current terms.**

**During discussion on the item, staff recommended amending the motion language to include:**

**C. Recommend adopting the resolution on the conditions that the Closing occurs and the ARC Lease becomes effective on or before the Outside Effective Date, as Closing and ARC Lease are defined in the Ordinance attached to the agenda sheet for this item.**

**Commissioner Naranjo, and Commissioner Bonelli accepted the addition of C as written above. The Board thereby adopted Resolution 2021-146, and Ordinance 3031. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**16.     [2021-0120](#)     PRESENTATION AND RESOLUTION APPROVING THE SAN DIEGO UNIFIED PORT DISTRICT'S VOLUNTARY VESSEL SPEED REDUCTION PROGRAM DATED NOVEMBER 2021, IN ALIGNMENT WITH THE MARITIME CLEAN AIR STRATEGY**

*Maggie Weber, Senior Planner, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2021-0120 (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 provided comments and asked clarifying questions. Jason Giffen, Vice President, Planning & Environment, and Zach Birmingham, Senior Environmental Specialist, responded.*

**On a motion by Commissioner Naranjo, seconded by Commissioner Castellanos, the Board adopted Resolution 2021-147. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - LeSar

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner Malcolm left the meeting at 5:15 PM and did not return.*

**17.     [2021-0379](#)     PRESENTATION AND ADDITIONAL DIRECTION TO STAFF ON THE MARITIME CLEAN AIR STRATEGY'S HEAVY-DUTY TRUCK TRANSITION PLAN INCLUDING:**

**A. PREPARATION OF A ZERO EMISSIONS HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT TO SERVE AS A ROADMAP TO ACHIEVE THE BOARD APPROVED MARITIME CLEAN AIR STRATEGY'S ZERO EMISSION TRUCK GOALS AND BENCHMARKS,**

INCLUDING 40 PERCENT ZERO EMISSION TRUCK TRIPS IN 2026 AND 100 PERCENT ZERO EMISSION TRUCK TRIPS IN 2030;

B. REQUEST TO EXPAND THE SCOPE OF THE HEAVY-DUTY TRUCK TRANSITION PLAN TO IDENTIFY AND ANALYZE MULTIPLE PATHWAYS, INCLUDING A COMBINATION OF ZERO AND NEAR-ZERO EMISSION TRUCK TRIPS TO ACHIEVE EQUIVALENT EMISSIONS REDUCTION BY 2026; AND

C. REQUEST FOR ADDITIONAL TIME TO ADEQUATELY SCOPE AND COMPLETE A HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT.

*Philip Gibbons, Program Manager, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0379 (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: Danny Serrano, Environmental Health Coalition (with time ceded by Jose Franco Garcia); Sophie Silvestri, Pasha Automotive Services; and Sharon Cloward, President, San Diego Port Tenants Association.*

*Commissioner Naranjo, Commissioner Moore, Commissioner Castellanos, Chairman Zucchet, Commissioner Bonelli, provided comments and asked clarifying questions. Jason Giffen, Vice President, Planning & Environmental Protection, Thomas A. Russell, General Counsel, Simon Kann, Senior Deputy General Counsel, Joe Stuyvesant, President/CEO, Mr. Gibbons, responded.*

**On a motion by Chairman Zucchet, seconded by Commissioner Castellanos, the Board adopted staff's recommendation including additional direction as follows:**

**A. PREPARATION OF A ZERO EMISSIONS HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT TO SERVE AS A ROADMAP TO ACHIEVE THE BOARD APPROVED MARITIME CLEAN AIR STRATEGY'S ZERO EMISSION TRUCK GOALS AND BENCHMARKS, INCLUDING 40 PERCENT ZERO EMISSION TRUCK TRIPS IN 2026 AND 100 PERCENT ZERO EMISSION TRUCK TRIPS IN 2030; with additional direction that a preliminary report be brought back to the Board in March, and a final report provided to the Board in June**

**B. REQUEST TO EXPAND THE SCOPE OF THE HEAVY-DUTY TRUCK TRANSITION PLAN TO IDENTIFY AND ANALYZE MULTIPLE PATHWAYS, INCLUDING A COMBINATION OF ZERO AND NEAR-ZERO EMISSION TRUCK TRIPS TO ACHIEVE EQUIVALENT EMISSIONS REDUCTION BY 2026; with additional direction that this analysis be included in the final report provided to the Board in June.**

**C. REQUEST FOR ADDITIONAL TIME TO ADEQUATELY SCOPE AND COMPLETE A HEAVY-DUTY TRUCK TRANSITION PLAN WITH A CONSULTANT.**

**The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Castellanos, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - LeSar, and Malcolm

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**18.     [2021-0369](#)     UPDATE ON THE STATUS OF MUNICIPAL SERVICES AGREEMENTS FOR FISCAL YEAR 2023**

*Shaun Sumner, Vice President, Business Operations, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2021-0369 (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: Brad Raulston, City Manager, National City.*

*Commissioner Naranjo, Commissioner Moore, Commissioner Bonelli, Commissioner Castellanos, and Chairman Zucchet, provided comments and asked clarifying questions. Mr. Sumner, and Simon Kann, Senior Deputy General Counsel, responded.*

**19.     [2021-0381](#)     ADOPT A RESOLUTION ELECTING CHAIRMAN, VICE CHAIR AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS FOR 2022**

*No staff report was provided for this item.*

*The following member(s) of the public addressed the Board with agenda-related comments: Christina Griffin-Jones.*

*Chairman Zucchet provided comments.*

**Chairman Zucchet made a motion to nominate current Vice-Chair Malcolm to be Chair, current Secretary Castellanos to be Vice-Chair, and Commissioner Naranjo to be Secretary, in 2022. Commissioner Moore seconded the motion. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Castellanos, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - LeSar, and Malcolm

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**20.     [2021-0391](#)     TENTATIVE - RESOLUTION AUTHORIZING CRUISE SHIP TERMINAL FINANCING AND BERTHING AGREEMENT WITH:  
A. CARNIVAL CORPORATION FOR A LOAN AMOUNT NOT TO EXCEED \$2 MILLION.  
B. DISNEY CRUISE LINE FOR A LOAN AMOUNT NOT TO EXCEED \$2 MILLION.**

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.     [2021-0365](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 14, 2021 MEETING**

**On a motion by Commissioner Bonelli, seconded by Commissioner Moore, the Board approved the proposed December agenda. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Castellanos, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - LeSar, and Malcolm

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **OFFICER'S REPORT**

**22.     [2021-0395](#)     OFFICER'S REPORT**

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

A) Change Order No. 01 to Contract No. 2021-03 with 24 Hour Elevator, Inc. - 90 Calendar Day Time Extension thru 01-05-22

B) Change Order No. 1 to Contract No. 20-06 with EDF Renewables Distributed Solutions, Inc. - Increases Contract by \$195,243.34 & 120 Calendar Day Time Extension thru 10-04-21

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 State of California Department of Parks & Recreation for Crown Cove Dock - Coronado, 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:

A) Amendment No. 1 to Lease (#71973) with Malibu Farm Seaport Village  
dba Malibu Farm - Amends Sections 1, 2.1, 4 & 8.1.1 Regarding  
Expansion of Leased Premises, Work Commencement, Rent and Other  
Provisions

*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, November 30, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### Closed Session

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Commissioners Castellanos, Malcolm and Moore were excused until they arrived.*

*Officers Present: Morales, Russell, Stuyvesant, and Yeilding.*

#### 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. [2021-0413](#) Closed Session Item No. 1

PERSONNEL EVALUATION:

PORT AUDITOR

Government Code Section 54957

*No reportable action was taken on this item.*

2. [2021-0412](#) Closed Session Item No. 2

PERSONNEL EVALUATION:

GENERAL COUNSEL

Government Code Section 54957

*No reportable action was taken on this item.*

3. [2021-0411](#) Closed Session Item No. 3

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

*No reportable action was taken on this item.*

4. [2021-0415](#) Closed Session Item No. 4

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

San Diego Unified Port District v. All Persons Interested in the Matter of the  
Validity of Ordinances

San Diego Superior Court Case No. 37-2021-00028959-CU-MC-CTL

*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

---

Tuesday, December 14, 2021

10:00 AM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Commissioners Moore and Naranjo were excused until they arrived.*

*Officers Present: Morales, Russell, Stuyvesant, and Yeilding.*

#### 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. [2021-0439](#) Closed Session Item No. 1

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

Agency Negotiator: Michael Zucchet  
Unrepresented Employee: Port Auditor

*No reportable action was taken on this item.*

2. [2021-0440](#) Closed Session Item No. 2

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

Agency Negotiator: Michael Zucchet  
Unrepresented Employee: General Counsel

*No reportable action was taken on this item.*

3. [2021-0441](#) Closed Session Item No. 3

CONFERENCE WITH LABOR NEGOTIATOR  
Government Code Section 54957.6

Agency Negotiator: Michael Zucchet  
Unrepresented Employee: Executive Director/President/Chief Executive Officer

*No reportable action was taken on this item.*

4. [2021-0442](#) Closed Session Item No. 4

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

San Diego Unified Port District v. All Persons Interested in the Matter of the  
Validity of Ordinances

San Diego Superior Court Case No. 37-2021-00028959-CU-MC-CTL

*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, December 14, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

---

#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner LeSar, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 0

**Absent:** 0

*Officers Present: DeAngelis, Medina, Morales, Russell, Stuyvesant, and Yeilding.*

#### B. Pledge of Allegiance.

*Commissioner Bonelli 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 will return after the conclusion of this meeting. No reportable action was taken.*

#### D. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: David Alvarez; and Becky Rapp.*

#### E. Board Committee Reports.

*Commissioner Malcolm provided a report on the Audit Oversight Committee meeting which met on December 7th, highlights of the meeting included: Mark Yeilding, Port Auditor and Peter George, Partner MGO presented the results from the FY 21 audited financial statements and single audit with no findings, the Audit Committee recommended the Board accept and file the results, and this item (Item 14 - File No. 2021-0294) will be presented today to the Board for action. Additionally, the Port Auditor reviewed the selection of a new external audit service provider which was conducted through the Port's RFP process. The Audit Committee agreed with the selection and recommended the selection for Board approval. Presentations from staff included an audit plan status update, an ethics hotline update, review of the new ethics training video for the Port, continuous monitoring and assurance efforts from management and audit, and a financial update from Robert DeAngelis, CFO, highlighting positive revenue trends for the District.*

*Commissioner Castellanos provided a report on the Environmental Advisory Committee meeting held on December 1, 2021. Commissioner Castellanos shared that the committee received presentations on the following topics: an update on implementation of air quality measures through investments and partnerships; overview of the Maritime Industrial Impact Fund and its contributions to date; overview of the California Air Resources Board's Low Carbon Fuel Standard program and how the Port and tenants are reducing greenhouse gas emissions through vehicle and equipment electrification; update on the draft Climate Action Plan Technical Study; and an update on the Draft Port Master Plan Update.*

## **F. Commissioners' Reports.**

*Commissioner Malcolm shared that he met the new head of the United States Section of the International Boundary and Water Commission (USIBWC), Dr. Maria-Elena Giner. Her visit was an opportunity for her to see Tijuana River Valley in person and lead a closed roundtable discussion with local stakeholders. She has promised to make sure the IBWC clears the desk and is prepared to focus on the Tijuana River Valley pollution crisis.*

*Commissioner Malcolm then shared that on November 8, the EPA announced its support for the "Comprehensive Alternative" Plan I-2, which is the region's preferred infrastructure solution to the Tijuana River Valley pollution crisis. This plan will expand the international treatment plant to prevent flows from reaching the coast, and will provide a river diversion treatment system. Key components of the alternative reduces frequency of impaired water quality at Imperial Beach during tourist season by 95%. It will require more than \$600 million to implement all of the projects contained in this alternative; \$300M of federal USMCA funds have already been allocated for improvements along the border. The EPA's early announcement is intended to be proactive and allow environmental work on NEPA to begin, while a plan for long-term funding is developed.*

*Commissioner Naranjo provided a report regarding the November 16th AB 617 Steering Committee. Highlights of the meeting included: presentation the Port's updated Vessel Speed Reduction Program (VSR Program); the AB 617 Steering Committee voted to provide a letter of support for the Workforce Development Tree Planting Program which includes planting 20 additional trees at Cesar Chavez Park in Barrio Logan; Environmental Health Coalition provided an informational update on the residential air filtration program, known as the PAIR Program which installs air filters in residential homes that are located in the Portside Community; SANDAG staff provided an informational update on Harbor Drive 2.0 for which they are currently developing a Concept of Operations which involves identifying technology improvements that can improve traveling and living conditions along the corridor, with a focus on equity and community needs; and CALTRANS staff provided an update on their statewide heavy-duty truck parking study.*

*Commissioner Naranjo then reported that the Port hosted the "South Bay Holiday Party" at the National City Aquatic Center on Wednesday, December 8th. Port staff distributed flyers in Spanish, Tagalog, and English, as well as provided neighborhood shuttle service, these expanded outreach efforts resulted in a successful event with over 500 people in attendance.*

*Commissioner Castellanos reported that last Tuesday, the San Diego City Council unanimously approved the Barrio Logan Community Plan Update. This is a model of community participatory planning, and will greatly improve the quality of life for the people in Barrio Logan, as well as support the working waterfront and the Port.*

*Commissioner Bonelli introduced Commissioner Emeritus Frank Urtasun as the newly appointed Port Commissioner for Coronado.*

*Commissioner Bonelli then provided an update on the SANDAG Regional Plan which was adopted by the SANDAG Board of Directors last Friday (December 10) . Commissioner Bonelli shared that this plan is updated every four years and is used to envision the region's transportation opportunities and challenges through 2050. Some of the major plans that affect the Port are Harbor Drive 2.0, moving the rail line from the coast at Del Mar bluffs to inland near the I-5 corridor, and development of a central mobility hub.*

## **G. Special Recognition**

*Kirk Nichols, Interim Chief, Harbor Police, presented the Medal of Valor to Officer Cody Horn, for his heroic actions during an officer-involved shooting.*

## **H. President's Report.**

*Joe Stuyvesant, President/CEO announced that, in November, Port staff celebrated Native American Heritage Month, or commonly called, American Indian and Alaska Native Heritage Month. It was a time to honor the rich culture and contributions of Native people. This year's theme, Resilient and Enduring: We are Native People, celebrates the history, strength, and resilience of America's first people.*

*Mr. Stuyvesant then shared that the Port, in furtherance of the electrification goals, is working closely with tenants to take advantage of the Low Carbon Fuel Standard (or LCFS) regulation which provides a revenue-generating opportunity that allows those who are decarbonizing through approved methods, to generate and monetize credits in the open market. Funds are required to be reinvested into further electrification or decarbonization efforts. The Port would like to thank Dole for their partnership through 2030, as well as BAE whose contract is on consent today to be renewed through this upcoming year. The Port welcomes further partnerships, and if anyone is interested in learning more, please do not hesitate to reach out to Josefina Khalidy or Adam Deaton to get more information.*

*Mr. Stuyvesant then announced that on Wednesday of last week, the State Lands Commission approved \$134 million for California ports. Included in that action was an award of \$61.4 million to the Port of San Diego for losses and expenses from calendar year 2020 which was the full amount requested by the Port. Port staff anticipates in early 2022 that the state will allocate the remaining \$116 million to Ports for 2021 losses and expenses related to COVID. Mr. Stuyvesant added that staff is positive that the Port should be able to secure the final amount needed to fund the \$100 million Economic Recovery Program that the Board approved in September.*

## **I. 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 2 - File No. 2021-0258; Item 12 - File No. 2021-0151; and Item 17 - File No. 2021-0296.*

*Additionally Ms. Morales announced that staff requests that the board consider the following items be continued to a future Board meeting: Item 5 - File No. 2021-0427; Item 16 - File No. 2021-0393; Item 18 - File No. 2021-0429; and Item 19 - File No. 2021-0426.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted the requested docket changes. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **APPROVAL OF MINUTES**

[2021-0443](#) Approval of minutes for:

October 12, 2021 - CLOSED SESSION

October 12, 2021 - BPC MEETING

November 9, 2021 - CLOSED SESSION

November 9, 2021 - BPC MEETING

November 30, 2021 - CLOSED SESSION

Commissioner Naranjo called for a motion to amend the October 12 BPC minutes, as proposed at the November 9, 2021 Board meeting, with the exception of changing "Adopt" to "Prepare" on number 2 (2. Prepare a baseline of heavy duty diesel and natural gas truck trips related to the transition benchmarks above using a baseline of 100,000 truck trips.). Chairman Zucchet seconded the motion. The motion carried by the following vote:

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

On a motion by Commissioner Bonelli, seconded by Commissioner Castellanos, the Board approved the November 9, 2021, minutes. The motion carried by the following vote:

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 1 - LeSar

**Recused:** 0

**On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board approved the November 30, 2021 minutes. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, LeSar, Malcolm, Moore, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

## **CONSENT AGENDA**

*Commissioner LeSar, and Commissioner Bonelli provided comments regarding items on the consent agenda and asked clarifying questions. Joe Stuyvesant, President/CEO, Job Nelson, Vice President, Strategy & Policy, Shirley Hirai, Manager, Diversity, Equity & Inclusion, and Stephen Shafer, Principal, Economics & Policy, and Thomas Russell, General Counsel, responded.*

**Commissioner LeSar, made a motion to adopt the Consent Agenda contingent on two things: 1) Item 2 - File No. 2021-0258 if there are any changes to the Point Loma Nazarene scope of work that it comes back to the Board. 2) staff will return to the Board in February with an update on how procurement can be strengthened in terms of the DEI and SBE goals and how the reports can be consistent to give an accurate picture of the competitive landscape in the scoring in the Port's procurements. Commissioner Naranjo seconded the motion, the Board thereby adopted Resolution 2021-149; Resolution 2021-150; Resolution 2021-151; Resolution 2021-152; Resolution 2021-153; Resolution 2021-154; Resolution 2021-0155; Resolution 2021-156; Resolution 2021-158; Ordinance 3032; and Resolution 2021-159. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, LeSar, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

1. [2021-0232](#) RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE FY 2021-2022 BUDGET CAPITAL IMPROVEMENT PROGRAM APPROPRIATED ITEM FROM PROGRAM CONTINGENCY TO THE SECURITY GATE PHYSICAL ENHANCEMENT AT B STREET CRUISE TERMINAL PROJECT IN THE AMOUNT OF \$53,000, AND INCREASE TO THE PROJECT BUDGET IN THE 2019-2023 CAPITAL IMPROVEMENT PROGRAM, PURSUANT TO BPC POLICIES NO. 90 AND NO. 120  
  
**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-149 as part of the Consent Agenda.**
2. [2021-0258](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH CAMBRIDGE SYSTEMATICS, INC. FOR ECONOMIC IMPACT MODELING AND ANALYSIS, FOR AN AMOUNT NOT TO EXCEED \$550,000.00 OVER FOUR YEARS. FISCAL YEAR (FY) 2022 SPENDING OF \$275,000.000 FROM NON-PERSONNEL EXPENSE (NPE) FAVORABLE VARIANCE. 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 LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-150 as part of the Consent Agenda.**
3. [2021-0336](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH CALE AMERICA, INC. DBA FLOWBIRD GROUP FOR THE PURCHASE OF PARKING PAY STATIONS AND RELATED SERVICES IN AN AMOUNT NOT TO EXCEED \$450,000 FOR A PERIOD OF FIVE YEARS BEGINNING DECEMBER 15, 2021 THROUGH DECEMBER 14, 2026. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED IN FISCAL YEAR (FY) 2022. 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 LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-151 as part of the Consent Agenda.**
4. [2021-0383](#) RESOLUTION AUTHORIZING AGREEMENT NO. 109-2021SN WITH APEX COMPANIES, LLC FOR AS-NEEDED STRUCTURAL POLLUTANT CONTROL BEST MANAGEMENT PRACTICES INSPECTION AND MAINTENANCE SERVICES FROM JANUARY 1, 2022 TO JUNE 30, 2027 FOR A NOT TO EXCEED AMOUNT OF \$2,750,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED IN THE AMOUNT OF \$200,000. 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 LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-152 as part of the Consent Agenda.**

5. [2021-0427](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH NATIONAL STEEL AND SHIPBUILDING COMPANY (NASSCO), REGARDING LOW CARBON FUEL STANDARD (LCFS) CREDITS GENERATED FROM ELIGIBLE ELECTRIFIED EQUIPMENT LOCATED AT NASSCO FOR USAGE COVERING THE PERIOD FROM OCTOBER 1, 2021 THROUGH JUNE 30, 2022

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. [2021-0392](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH BAE SYSTEMS (BAE), REGARDING LOW CARBON FUEL STANDARD (LCFS) CREDITS GENERATED FROM ELIGIBLE ELECTRIFIED EQUIPMENT LOCATED AT BAE SYSTEMS FOR USAGE COVERING THE PERIOD FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-153 as part of the Consent Agenda.**

7. [2021-0394](#) RESOLUTION AUTHORIZING A SPONSORSHIP AGREEMENT WITH H.P. PURDON & COMPANY DBA BIG BAY BOOM RELATED TO THE JULY 4, 2022 PORT OF SAN DIEGO BIG BAY BOOM FIREWORKS SHOW IN THE AMOUNT OF \$213,500 IN FUNDING AND DISTRICT SERVICES NOT TO EXCEED \$170,000; FY 2022 EXPENDITURES ARE BUDGETED.

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-154 as part of the Consent Agenda.**

8. [2021-0407](#) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA TO HOST SEA GRANT FELLOWS FOR AN ADDITIONAL \$57,809 AND EXTENDING THE AGREEMENT FOR 1 YEAR, FOR A NEW NOT TO EXCEED AGREEMENT TOTAL OF \$681,563. FY22 EXPENDITURES ARE BUDGETED.

**On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-155 as part of the Consent Agenda.**

9.        [2021-0410](#)        RESOLUTION CONSENTING TO ASSIGNMENT AND ASSUMPTION OF AS-NEEDED FULL-SERVICE IMPOUNDED VESSEL SERVICES AGREEMENT NO. 50-2020MA FROM MARINE GROUP BOAT WORKS, LLC TO AUSTAL USA, LLC DUE TO LEASEHOLD ASSIGNMENT AND ASSUMPTION
- On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-156 as part of the Consent Agenda.
11.        [2021-0350](#)        RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE FIVE-PARTY AGREEMENT BETWEEN THE DISTRICT, THE CITY OF NATIONAL CITY, PASHA AUTOMOTIVE SERVICES, GB CAPITAL, AND ICF JONES & STOKES FOR THE PREPARATION OF THE NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS ENVIRONMENTAL IMPACT REPORT TO INCREASE THE AMOUNT BY \$290,000 FROM \$745,232 TO \$1,035,232; AND EXTENDING THE AGREEMENT EXPIRATION DATE TO JUNE 30, 2022 FROM DECEMBER 31, 2021. FUNDS ARE BUDGETED IN THE FY2019-2023 CAPITAL IMPROVEMENT PROGRAM FOR THE NATIONAL CITY MARINA DISTRICT PRELIMINARY PLANNING PROJECT; THIS ACTION DOES NOT INCREASE THE NATIONAL CITY MARINA DISTRICT PRELIMINARY PLANNING PROJECT BUDGET
- On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-158 as part of the Consent Agenda.
12.        [2021-0151](#)        ORDINANCE AMENDING SECTION 4.09 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE - REGULATION OF VESSELS - TUNA HARBOR BASIN TO CONSOLIDATE EXISTING TUNA HARBOR BERTHING PERMIT LANGUAGE AND EXISTING CODE LANGUAGE, ALLOW FOR MORE ORGANIZED AND UNDERSTANDABLE REGULATIONS, AND MAKE TUNA HARBOR BASIN REGULATIONS MORE CONSISTENT WITH WEST COAST COMMERCIAL FISHING FACILITIES BEST MANAGEMENT PRACTICES IN REGARD TO STORAGE, PARKING OF VEHICLES, LOADING OF PASSENGERS, VESSEL MAINTENANCE, AND INOPERABLE VESSELS.
- The following member(s) of the public addressed the Board with agenda-related comments: Matt Everingham, San Diego Fisherman's Working Group; and Peter Halmay, President, San Diego Fisherman's Working Group.*
- Per request by Chairman Zucchet, Mike LaFleur, Vice President, Maritime, responded to public comment.*
- On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Ordinance 3032 as part of the Consent Agenda.

13. [2021-0423](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner LeSar, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-159 as part of the Consent Agenda.

### **ACTION AGENDA**

10. [2021-0416](#) RESOLUTION AUTHORIZING THE FUNDING OF \$20,000 FROM THE DISTRICT'S MARITIME INDUSTRIAL IMPACT FUND (MIIF) FOR SUPPORT OF THE GARDEN AND NUTRITION PROGRAM AND THE FARMER'S MARKET AT MONARCH SCHOOL FOR HOMELESS STUDENTS IN BARRIO LOGAN AND AMEND BOARD POLICY NO. 773 TO ADD CHARTER AND OTHER NON-TRADITIONAL PUBLIC SCHOOLS TO THE LIST OF ENTITIES ELIGIBLE FOR MIIF FUNDING

*Commissioner LeSar recused herself as she serves on the Board of Directors for the Monarch School and did not participate in this item.*

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-157. The motion carried by the following vote:

**Yeas:** 5 - Bonelli, Castellanos, Malcolm, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - LeSar

*Commissioner Malcolm left the meeting at 2:30 pm and did not return for the remainder of the meeting.*

14. [2021-0294](#) 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, 2021

*Mark Yeilding, Port Auditor, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0294 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Yeilding then turned the presentation over to Peter George, MGO, to provide an overview of the audit focus areas, deliverables, and present the findings from the annual audit.*

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

*Chairman Zucchet provided comments.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Naranjo, the Board adopted Resolution 2021-160. The motion carried by the following vote:**

**Yeas:** 5 - Bonelli, Castellanos, LeSar, Naranjo, and Zucchet

**Nays:** 0

**Excused:** 2 - Malcolm, and Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**15.     [2021-0420](#)     UPDATE ON THE STATUS OF MUNICIPAL SERVICES AGREEMENTS FOR FISCAL YEAR 2023 AND DIRECTION TO STAFF**

*Shaun Sumner, Vice President, Business Operations, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0420 (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 Naranjo, Chairman Zucchet, and Commissioner Moore, provided comments and asked clarifying questions. Mr. Sumner responded.*

**16.     [2021-0393](#)     RESOLUTION AUTHORIZING A SOLE SOURCE PURCHASE AGREEMENT FOR DISTRICT ACQUISITION OF TWO KONECRANES ALL-ELECTRIC MOBILE HARBOR CRANES IN THE AMOUNT OF \$14,760,000 FOR USE AT TENTH AVENUE MARINE TERMINAL, SAN DIEGO, CA; FUNDS FOR THIS PROCUREMENT FOR THIS FISCAL YEAR ARE BUDGETED WITHIN THE ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM; ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM OF THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.**

**This item was continued to a future Board meeting.**

**17.     [2021-0296](#)     INFORMATIONAL PRESENTATION AND DIRECTION TO STAFF ON THE DRAFT PRELIMINARY HEALTH RISK ASSESSMENT FOR THE TENTH AVENUE MARINE TERMINAL AND THE NATIONAL CITY MARINE TERMINAL WITH A FOCUS ON DIESEL PARTICULATE**

## MATTER DATED DECEMBER 2021 AND NEXT STEPS

*Jason Giffen, Vice President, Planning & Environment, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0296 (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 Matt McFalls to provide highlights regarding baseline information. Mr. McFalls then turned the presentation over to Larry Hofreiter, Program Manager, Planning, to discuss how implementation of some key near-term Maritime Clean Air Strategy (MCAS) measures can help reduce risk, and the next steps for finalizing the Health Risk Assessment and Summary Report.*

*The following member(s) of the public addressed the Board with agenda-related comments: Sarah March, Dole; Sophie Silvestri, Pasha Automotive Services; Sharon Cloward, San Diego Port Tenants Association; Domingo Vigil, San Diego County Air Pollution Control District; and Josh Gaylord, Flagship Cruises & Events.*

*Commissioner Naranjo, Commissioner Castellanos, Commissioner Bonelli, Chairman Zucchet, provided comments and asked clarifying questions. Mr. Giffen, Mr. McFalls, Mr. Hofreiter, and Joe Stuyvesant, President/CEO, responded.*

18. [2021-0429](#)
- A. RESOLUTION AUTHORIZING AGREEMENTS FOR FUNDING OF B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS AND PREFERENTIAL BERTHING WITH:
    - 1. CARNIVAL CORPORATION IN THE AMOUNT NOT TO EXCEED \$2 MILLION; AND
    - 2. DISNEY CRUISE LINE IN THE AMOUNT NOT TO EXCEED \$2 MILLION
  - B. ORDINANCE AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR (FY) 2022 BUDGET INCREASING THE FY 2022 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$4,000,000 TO BE FUNDED FROM CRUISE LINE ADVANCE
  - C. RESOLUTION AUTHORIZING AN AMENDMENT INCREASING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT AND FUNDING OF \$4,000,000 TO BE FUNDED FROM CRUISE LINE ADVANCE
  - D. RESOLUTION AUTHORIZING AN AMENDMENT INCREASING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO INCREASE CAPITAL LABOR BY \$300,000 TO BE FUNDED FROM PERSONNEL EXPENSE FOR THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT WITH \$50,000 TO BE SPENT IN FY 2022

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. [2021-0426](#) A. RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN PRELIMINARY AND FINAL FORM IN CONNECTION WITH THE ISSUANCE OF THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY REVENUE BONDS (CHULA VISTA BAYFRONT CONVENTION CENTER) SERIES 2022A (FEDERALLY TAXABLE) AND CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY REVENUE BONDS (CHULA VISTA BAYFRONT PHASE 1A INFRASTRUCTURE IMPROVMENTS) SERIES 2022B (TAX-EXEMPT) INCLUDING EXECUTION OF A CERTIFICATE DEEMING THE PRELIMINARY OFFICIAL STATEMENT FINAL FOR PURPOSES OF RULE 15 C2-12 UNDER THE SECURITIES AND EXCHANGE ACT OF 1934 EXCEPT FOR INFORMATION PERMITTED TO BE OMITTED FROM THE PRELIMINARY OFFICIAL STATEMENT PURSUANT TO RULE 15 C2-12;

B. RESOLUTION CONSENTING TO AN ENCUMBRANCE BY RIDA CHULA VISTA, LLC IN THE AMOUNT OF \$\_\_\_\_\_ MILLION IN FAVOR OF [INSERT BANKS] FOR THE DEVELOPMENT OF THE RESORT HOTEL AND CONVENTION CENTER, 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.**

20. [2021-0396](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY 11, 2022 MEETING

*Commissioner Naranjo announced that due to her husband being employed by Baker Electric, she is recusing herself and did not participate in this item.*

**On a motion by Commissioner Castellanos, seconded by Commissioner Bonelli, the Board adopted the proposed agenda for January.**

**Yeas:** 5 - Bonelli, Castellanos, LeSar, Moore, and Zucchet

**Nays:** 0

**Excused:** 1 - Malcolm

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Naranjo

## **OFFICER'S REPORT**

21. [2021-0422](#) OFFICER'S REPORT

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

A) Change Order No. 4 to Contract No. 2019-38 with SOLPAC  
Construction, Inc. dba Soltek Pacific Construction Company - Increases  
Contract by \$400,000.00

B) Change Order No. 2 to Contract No. 2020-12 with Capital Industrial  
Restoration, Inc. - Increases Contract by \$25,154.65

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

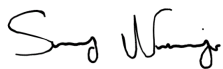
MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO  
ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS  
AMENDED ON JANUARY 10, 2017:

A) Amendment No. 2 to Lease (#59870) with Shelter Island, Inc. dba Tom  
Ham's Lighthouse - Amends Clause Regarding Description of Leased  
Premises to Incorporate Landscape Area

B) Amendment No. 1 to Lease (#72861) with SHM Cabrillo Isle, LLC -  
Amends Paragraph 4.2 (a) Regarding Boat Slip Rental

C) Amendment No. 1 to Lease (#72382) with SHM Sunroad, LLC dba  
Safe Harbor Sunroad - Amends Paragraph 4.2 (a) Regarding Boat Slip  
Rental

D) Amendment No. 7 to Lease (#28781) with Shelter Cove Marina, Ltd. -  
Amends Paragraphs 9(a) and 18 Regarding Boat Slip Rental and  
Conformance with Rules and Regulations



---

*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, December 23, 2021

9:00 AM

Virtual Meeting

---

#### Closed Session

#### A. Roll Call.

**Present:** 6 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Moore, Commissioner Naranjo, and Chairman Zucchet

**Excused:** 1 - Commissioner LeSar

**Absent:** 0

*Officers Present: Russell, and Stuyvesant*

#### 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. [2021-0451](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8

Property: SDUPD - Chula Vista Marina consisting of approximately 223,549 square feet of land and 856,522 square feet of water at 550 Marina Parkway, Chula Vista

Negotiating Parties:

Chula Vista Marina, LP. - Kevin Moriarty

SDUPD - Joe Stuyvesant, Shaun Sumner, Adam Meyer, Stephanie Shook, and Anthony Gordon

Under Negotiations: Price and Terms

*No reportable action was taken on this item.*

2. [2021-0452](#) Closed Session Item No. 2

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.*



---

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

ATTEST:



---

*Clerk of the San Diego Unified Port District*