



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, January 11, 2022

1:00 PM

Virtual Meeting

A. Roll Call.

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

Excused: 0

Absent: 0

Recused: 0

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

SPECIAL ORDER OF THE DAY

1. [2021-0450](#) RESOLUTION AUTHORIZING PROCLAMATION AND APPOINTING GARRY BONELLI AS COMMISSIONER EMERITUS EFFECTIVE JANUARY 3, 2022

Chair Malcolm announced the Proclamation for Commissioner Emeritus Bonelli.

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

Commissioner Urtasun, Commissioner Naranjo, Commissioner Castellanos, Commissioner Zucchet, Commissioner Moore, Commissioner LeSar, and Chair Malcolm provided comments.

On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board adopted Resolution 2022-001. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

B. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Jill Pfeiffer; and Troy Sears, Next Level Sailing.

C. Board Committee Reports.

Commissioner Castellanos provided a report regarding the December 15, 2021, Maritime Stakeholders Forum. Highlights from the meeting included: presentations from Port staff on the Maritime Clean Air Strategy and Health Risk Assessment; an electrification status update; status of cargo operations; a cruise industry update; and an overview of a new commercial fishing ordinance.

D. Commissioners' Reports.

No Commissioner reports were provided.

E. Special Recognition.

Shirley Parsons, Manager, Diversity, Equity and Inclusion, provided an overview of Diversity Council goals in the new year. Ms. Parsons also remembered Dr. Martin Luther King, Jr. in observance of upcoming Martin Luther King, Jr. day.

F. President's Report.

Joe Stuyvesant, President/CEO began by providing an update regarding the Port's approach to Covid and recent steps taken to reduce risk and remain functional during the Omicron wave.

Mr. Stuyvesant then shared that the Port received federal funds in the amount of \$61,390,747.00 from the American Rescue Plan Act which will cover our losses for calendar year 2020. Losses and expenses from 2021 will be submitted in the next few months.

Additionally, Mr. Stuyvesant shared the Governor announced that his budget proposal includes a set aside in the amount of \$2.3 billion for California Ports, which includes \$1.2 billion for infrastructure to increase goods movement capacity, and \$875 million for zero emission port equipment and short haul trucks. The Governor also announced that in addition to the \$2.3 billion, he is also proposing \$200 million for demonstration and pilot projects in high carbon-emitting sectors (such as Maritime), \$350 million for coastal wetland protection and restoration, and \$100 million for green hydrogen projects.

G. District Clerk's Announcements.

Donna Morales, District Clerk, announced that on today's agenda is an item taking final action to amend the employment agreements for President/CEO, General Counsel, and Port Auditor, as detailed in the report for Agenda Item 9 - File No. 2021-0446.

Ms. Morales then added that additional agenda-related materials were received by the Board after publication of the agenda for the following item: Item 16 - File 2022-0005.

Ms. Morales then announced that staff requests that the Board consider the following items to be continued to a future Board meeting: Item 7 - File No. 2022-0004; Item 8 - File 2022-0002, and Item 13 - File 2022-0003

Additionally, Ms. Morales announced that staff requests the Board consider the following docket change: Item 2 - File No. 2022-0006 no longer requires Board action as design immunity happened through Board's approval of the lease which included attached plans.

Commissioner Urtasun announced that due to a previous business relationship with RIDA, he is recusing himself from this item , Action Agenda Item 13 - File No. 2022-0003, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board adopted the requested docket changes.

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Urtasun

APPROVAL OF MINUTES

[2022-0009](#) Approval of minutes for:

December 14, 2021 - CLOSED SESSION

December 14, 2021 - BPC MEETING

December 23, 2021 - CLOSED SESSION

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board approved the December 2021 minutes. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 1 - Urtasun

Recused: 0

CONSENT AGENDA

Item 4 - File 2021-0406 was removed from the Consent Agenda.

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted the revised Consent Agenda, excluding Item 4 - File 2021-0406, as follows: Resolution 2022-002; Resolution 2022-004; Resolution 2022-005; Resolution 2022-006; Ordinance 3033; and Resolution 2022-007. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

2. [2022-0006](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ACCEPTING THE BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT PUBLIC IMPROVEMENTS LOCATED IN EMBARCADERO MARINA PARK SOUTH IN SAN DIEGO

Board action is no longer required for this item.

Board action no longer required for this item.

3. [2021-0372](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH MOSS ADAMS FOR PROFESSIONAL EXTERNAL AUDITING SERVICES FOR AN AMOUNT NOT TO EXCEED \$398,000 FOR THE AUDIT OF FISCAL YEARS 2022, 2023, AND 2024 WITH TWO ONE-YEAR OPTIONS TO EXTEND, WHICH MAY BE GRANTED AT THE SOLE DISCRETION OF THE DISTRICT FOR AN AMOUNT NOT TO EXCEED \$128,500 PER YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT, INCLUDING OPTIONS, OF \$655,000. FUNDS FOR THIS FISCAL YEAR ARE BUDGETED, FUNDS FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE OFFICE OF THE PORT AUDITOR IN THE APPROPRIATE FISCAL YEARS, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-002 as part of the Consent agenda.

5. [2021-0409](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-11 TO PERIMETER SECURITY GROUP IN THE AMOUNT OF \$295,887.50 FOR PHASE 1 OF THE SECURITY GATE PHYSICAL ENHANCEMENTS AT TAMT PROJECT AS AUTHORIZED BY THE BOARD IN THE 2019-2023 CAPITAL IMPROVEMENT PROGRAM

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-004 as part of the Consent agenda.

6. [2021-0417](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH JGC GOVERNMENT RELATIONS, INC. FOR STATE LEGISLATIVE CONSULTING SERVICES, FROM FEBRUARY 1, 2022 THROUGH

JANUARY 31, 2026 FOR AN AMOUNT NOT TO EXCEED \$495,000.00. FUNDS FOR THIS FISCAL YEAR ARE BUDGETED. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-005 as part of the Consent agenda.

7. [2022-0004](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH PRESIDIO NETWORKED SOLUTIONS GROUP, LLC., FOR ENTERPRISE WIFI INFRASTRUCTURE HARDWARE AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$399,887, FOR A FIVE YEAR TOTAL COST OF OWNERSHIP OF \$399,887. EXPENDITURES ARE BUDGETED IN THE DISTRICT'S ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM.

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.

8. [2022-0002](#) 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 JANUARY 1, 2022 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.

9. [2021-0446](#) RESOLUTION APPROVING AMENDMENTS TO THE EMPLOYMENT AGREEMENTS FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CEO), GENERAL COUNSEL, AND PORT AUDITOR

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-006 as part of the Consent agenda.

10. [2021-0456](#) ORDINANCE GRANTING LEASE AMENDMENT NO. 19 PROVIDING FOR A 9-YEAR LEASE EXTENSION TO THE CHULA VISTA MARINA, LP, DBA CHULA VISTA MARINA FOR THE CHULA VISTA MARINA LOCATED AT THE NORTHERN MARINA IN THE CHULA VISTA MARINA BASIN WITHIN THE CHULA VISTA BAYFRONT

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos,

the Board adopted Ordinance 3033 as part of the Consent agenda.

11. [2021-0458](#) 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 Castellanos, the Board adopted Resolution 2022-007 as part of the Consent agenda.

4. [2021-0406](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-14 TO BAKER ELECTRIC, INC. IN THE AMOUNT OF \$268,000 FOR THE COLD IRONING (SHORE POWER) PHASE II AT B STREET AND BROADWAY PIERS PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

This item was removed from the Consent Agenda.

Commissioner Urtasun announced that due to owning Semptra stock, he is recusing himself from this item and did not participate.

Commissioner Naranjo announced that due to her husband being previously employed by Baker Electric, in an abundance of caution, she is recusing herself from this item and did not participate.

On a motion by Commissioner LeSar, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-003. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 2 - Naranjo, and Urtasun

PUBLIC HEARING AGENDA

12. [2021-0351](#) 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 AN ORDINANCE AWARDED A POWER PURCHASE AGREEMENT TO EDF RENEWABLES DISTRIBUTED SOLUTIONS, INC.

FOR THE 700-KILOWATT SOLAR PHOTOVOLTAIC SYSTEM ON THE WAREHOUSE B ROOF AT TAMT UNDER A 20-YEAR TERM.

C) ADOPT A RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR CONTRACT TIME EXTENSION OF 214 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

Commissioner Urtasun announced that due to owning Semptra stock, he is recusing himself from this item and did not participate.

Commissioner Naranjo announced that due to her husband being previously employed by Baker Electric, in an abundance of caution, she is recusing herself from this item and did not participate.

Renee Yarmy, Program Manager, Energy & Sustainability, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2021-0351 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: None.

Chairman Malcolm closed the Public Hearing.

Commissioner LeSar, Commissioner Castellanos, Commissioner Zucchet and Chair Malcolm, provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-008, Resolution 2022-009, and Ordinance 3034. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 2 - Naranjo, and Urtasun

ACTION AGENDA

13. [2022-0003](#) 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.

14. [2021-0403](#)

PRESENTATION ON NEW LEGISLATION FOR 2021-2022 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND DIRECTION TO STAFF

Job Nelson, Vice President, Strategy and Policy, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2021-0403 (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 David Yow, Legislative Policy Administrator, to discuss the legislative priorities for 2022.

The following member(s) of the public addressed the Board with agenda-related comments: Peggy Walker; and Kelly McCormick.

Commissioner LeSar, Commissioner Naranjo, Commissioner Castellanos, Commissioner Zucchet, Chair Malcolm, Commissioner Urtasun, and Commissioner Moore provided comments and asked clarifying questions. Mr. Nelson and Mr. Yow responded.

15. [2021-0421](#)

INFORMATIONAL UPDATE AND DIRECTION TO STAFF ON THE MARITIME CLEAN AIR STRATEGY'S ZERO EMISSION HEAVY-DUTY TRUCK OBJECTIVES INCLUDING:

A) PROGRESS ON THE ZERO EMISSION HEAVY-DUTY TRUCK TRANSITION PLAN; AND

B) COMPILATION OF FORESEEABLE TASKS AND MILESTONES FOR TRUCK OBJECTIVE 1B: DEVELOPMENT OF A SHORT-HAUL ZERO EMISSION TRUCK PROGRAM; TRUCK OBJECTIVE 1D: CREATION OF A TRUCK REGISTRY; AND TRUCK OBJECTIVE 2A: IDENTIFICATION OF FOUR LOCATIONS FOR ZERO EMISSION TRUCK CHARGING

Phil Gibbons, Program Manager, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2021-0421 (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 (with time ceded by Allie Fen).

Commissioner Naranjo and Commissioner Urtasun provided comments and asked clarifying questions. Phil Gibbons and Jason Giffen, Vice President, Planning and Environment responded.

16. [2022-0005](#) RESOLUTION AUTHORIZING A SINGLE SOURCE PURCHASE AGREEMENT WITH KONECRANES FOR DISTRICT ACQUISITION OF TWO ALL-ELECTRIC MOBILE HARBOR CRANES WITH A PROCUREMENT COST NOT-TO-EXCEED \$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.

Michael LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2022-0005 (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: Anthony Soniga, Vice President, ILWU.

Commissioner Zucchet, Commissioner Castellanos and Chair Malcolm provided comments and asked clarifying questions. Mr. LaFleur and Joe Stuyvesant, President/CEO responded.

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-010. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

17. [2021-0424](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 8, 2022 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board approved the proposed February agenda. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

18. [2022-0008](#) OFFICER'S REPORT

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

A) Change Order No. 02 for Contract No. 2020-04 with Sierra Pacific West, Inc. - Increases Contract by \$82,759.09 & 28 Calendar Day Time Extension thru 11-12-21

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



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, January 25, 2022

9:00 AM

Virtual Meeting

Closed Session

A. Roll Call.

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

Excused: 0

Absent: 0

Recused: 1 - Commissioner Urtasun

Commissioner Urtasun was recused from the Closed Session due to a former business relationship with RIDA.

Commissioner LeSar was excused until she arrived.

Officers Present: 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. [2022-0018](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

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

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;

City of Chula Vista - Maria Kachadoorian;

SDUPD - Joe Stuyvesant, Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook, Matthew Ostlund, and Robert DeAngelis.

Under Negotiations: Price and Terms

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, February 8, 2022

10:00 AM

Virtual Meeting

Closed Session

A. Roll Call.

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

Excused: 0

Absent: 0

Recused: 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. [2022-0049](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 105 acres of land and water located in the City of San Diego situated between downtown and the Bay in the District's Central Embarcadero area and bordered by the USS Midway Museum and Harbor Drive to the north, Manchester Grand Hyatt and Kettner Boulevard to the east, and San Diego Bay to the south and west

Negotiating Parties:

1HWY1, LLC - Yehudi Gaffen

SDUPD - Joe Stuyvesant, Shaun Sumner, Adam Meyer, Anthony Gordon, James Hammel, Alexa Paulus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

2. [2022-0047](#) 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 v. San Diego Gas & Electric Company, et al.

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

Commissioner Urtasun, due to stock ownership in SDG&E, recused himself from this item and did not participate. No reportable action was taken on this item.

3. [2022-0048](#) Closed Session Item No. 3

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

One (1) Case

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 8, 2022

1:00 PM

Virtual Meeting

A. Roll Call.

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

Excused: 0

Absent: 0

Recused: 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. Mr. Russell also stated that Commissioner Urtasun, due to stock ownership in SDG&E, recused himself from Closed Session Item 2 - File 2022-0047 and did not participate.

Chairman's Announcement

Chairman Malcolm announced that the Swearing-In Event scheduled for Tuesday, February 15, 2022 has been cancelled. Therefore, he took this opportunity to provide some of the remarks here that he had planned for the event. He thanked 2021 Chairman Zucchet for his leadership during difficult and unprecedented circumstances. Notable accomplishments for the year included helping set the Port on a clear path toward Environmental Justice, development of real measurable strategies to mitigate air and noise pollution, approval of a hotel on Harbor Island, and making significant progress on the development of the Chula Vista Bayfront.

He then turned the floor over to Commissioner Zucchet who thanked Port staff, fellow commissioners, his family, and his employer for their support during his chairmanship. Commissioner Zucchet awarded the 2021 Chairman's Cup to Job Nelson, Vice President, Strategy & Policy, for his outstanding service and work on ensuring that the Port of San Diego would qualify for federal stimulus funding. Mr. Nelson thanked Port staff and Commissioners for their work as this was a team effort.

Chairman Malcolm then gave an abbreviated version of the speech he planned to give at the cancelled 2022 Swearing In Event. He focused on the dedicated people who have worked hard every day during the pandemic deliver on the Port's mission even during

extraordinary circumstances. He announced that his theme for the year will be "The Port is People" that was highlighted in a brief video. His intent is to lead and serve this organization with several principles that he would like to integrate the principles of Respect, Collaboration and Love into our work to rebuild and strengthen our relationships that have been strained by the years long pandemic. Chairman Malcolm closed with a quote from Theologian John Wesley which reflects his hope and desire for our mindset as we embark on this year's work - "Do all the good you can, by all the means you can, in all the ways you can, and at all the times you can, to all the people you can, as long as you ever can".

C. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Peggy Walker; and Kelly McCormick.

D. Board Committee Reports.

None.

E. Commissioners' Reports.

Commissioner LeSar announced that this will be her last meeting as a Port Commissioner as she is resigning effective February 9, 2022.

Commissioner Naranjo provided a report on the January 7, 2022, Transportation Committee of SANDAG meeting. Commissioner Naranjo announced that the first item approved was the acceptance of a \$24.9 million California Transportation Commission grant to help complete the State Route 11/Otay Mesa East Port of Entry Corridor which is a joint venture between Caltrans and SANDAG, in collaboration with state and federal partners. Commissioner Naranjo also shared the project goals, funding information and a projected opening of the corridor in late 2024.

Additionally, Commissioner Naranjo reported that the second item involves the adoption by SANDAG of statewide targets established by Caltrans for vehicle fatalities and serious injuries. Members of the Transportation Committee are urging that SANDAG develop a Regional Vision Zero Action Plan, including a Regional Safety Policy, to drive down fatalities and serious injuries.

Commissioner Naranjo then provided a summary on the January 18, 2022 AB 617 Community Steering Committee. Commissioner Naranjo shared that Port staff reviewed the Port's Preliminary Health Risk Assessment and provided an overview of some key Zero Emission Truck Objectives. Air Pollution Control District (APCD) provided a status update on several items included in the AB 617 Community Emissions Reduction Plan (CERP) and explained that they would like to form a joint CERP-MCAS (Maritime Clean Air Strategy) Implementation Subcommittee.

F. Special Recognition.

Ameshea Hines Taylor, Diversity, Equity, and Inclusion Analyst, provided an overview of this year's theme for Black History Month - "Black Health and Wellness".

G. President's Report.

Joe Stuyvesant, President/CEO, thanked: Commissioner LeSar for her mentorship and guidance over the year; outgoing Chair Zucchet for his leadership; and Chair Malcolm for

his focus on the people of the Port.

Mr. Stuyvesant reported on the Native Oyster Living Shoreline Project in which 300 "reef balls" were placed in the water adjacent to the Chula Vista Wildlife Refuge. Mr. Stuyvesant said the goal is that native oysters will attach to the "reef balls" and if successful, a living shoreline will be created which will prevent erosion while increasing biodiversity and water quality in San Diego Bay.

Mr. Stuyvesant announced that February 9th, 2022, is the last day for the Shelter Island Yacht Basin In-Water Hull Cleaning Pause and thanked Port tenants and the boating and diving community for working together to improve water quality. Mr. Stuyvesant then announced the water testing results will be shared when they are available.

H. 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 11 - File 2020-0309 and Item 17 - File 2021-0059.

Ms. Morales then announced that the Board consider the following docket change: Item 2 - File 2022-0044 no longer requires Board Action as the agreement expenditure does not require authorization by the Board.

Ms. Morales added that staff requests the Board consider the following items to be continued to a future Board meeting: Public Hearing Item 9 - File 2021-0175; Action Agenda Item 10 - File 2022-0051; and Action Agenda Item 17 - File 2021-0059.

Commissioner Urtasun announced that due to a business relationship with RIDA, he is recusing himself from this item, Action Agenda Item 10 - File No. 2022-0051, and did not participate.

The following member(s) of the public addressed the Board on the following docket changes: Item 17 - File 2021-0059: Christine Moore, Executive Director External Affairs, AT&T; and Kaylee Gal, Communications Workers of America.

Commissioner Urtasun made a motion to support the continuance and 30 day extension for Item 17 - File 2021-0059. Commissioner Castellanos seconded the motion. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Commissioner Castellanos, made a motion to adopt the remaining docket changes (continuance of Items 9 and 10). Commissioner LeSar seconded the motion. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Urtasun

APPROVAL OF MINUTES

[2022-0052](#) Approval of minutes for:

January 11, 2022 - BPC MEETING

January 25, 2022 - CLOSED SESSION

On a motion by Commissioner Castellanos, seconded by Commissioner LeSar, the Board approved the January 2022 minutes. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted the revised Consent Agenda, excluding Item 2 - File 2022-0044, as follows: Resolution 2022-011; Resolution 2022-012; Resolution 2022-013; Resolution 2022-014; Resolution 2022-015; Resolution 2022-016 and Resolution 2022-017. The motion carried by the following vote:

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2021-0308](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2021-07 TO TELLARD CONSTRUCTION IN THE AMOUNT OF \$224,860 FOR THE VESSEL PUMPOUT STATIONS REPLACEMENT PROJECT AT VARIOUS LOCATIONS, INCLUDED IN THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION APPROVED BY THE BOARD IN THE FY 2022 BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-011 as part of the Consent agenda.

2. [2022-0044](#) A) RESOLUTION AUTHORIZING AGREEMENT WITH LOGISTIC SYSTEMS, INC. FOR COMPUTER AIDED DISPATCH SYSTEM MAINTENANCE IN AN AMOUNT NOT TO EXCEED \$XXX FOR XX YEARS, CONDITIONED UPON THE APPROVAL OF ITEM B; AND,

B) RESOLUTION TO AUTHORIZE AGREEMENT WITH CALIBER PUBLIC SAFETY/COLOSSUS, INC. DBA INTERACT PUBLIC SAFETY SYSTEMS FOR MOBILE SYSTEM AND SOFTWARE MAINTENANCE IN AN AMOUNT NOT TO EXCEED \$XXX FOR XX YEARS, CONDITIONED UPON THE APPROVAL OF ITEM A

FISCAL YEAR 2022 EXPENDITURES ARE BUDGETED IN THE HARBOR POLICE DEPARTMENT'S SOFTWARE MAINTENANCE COST ACCOUNT. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON THE ADOPTION OF EACH FISCAL YEARS' BUDGET

Board action is no longer required for this item.
Board action no longer required for this item.

3. [2021-0405](#) RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH MOBILE HOME ACCEPTANCE CORP., DBA BERT'S OFFICE TRAILER RENTALS, INCREASING THE TERM BY FIVE YEARS AND THE AMOUNT BY \$91,156.50 FOR A TOTAL AMOUNT NOT TO EXCEED \$308,201.27 FOR THE HARBOR POLICE HEADQUARTERS TRAILERS IN ACCORDANCE WITH BOARD POLICY 110, SECTION III.E.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-012 as part of the Consent agenda.

4. [2021-0418](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH PRESIDIO NETWORKED SOLUTIONS GROUP, LLC., FOR ENTERPRISE WIFI INFRASTRUCTURE HARDWARE AND INSTALLATION SERVICES IN AN AMOUNT NOT TO EXCEED \$400,122. EXPENDITURES ARE BUDGETED IN THE DISTRICT'S ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY

APPROPRIATED ITEM.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-013 as part of the Consent agenda.

5. [2021-0445](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDING CONTRACT NO. 2020-25 TO SHIMMICK CONSTRUCTION CO., INC. IN THE AMOUNT OF \$13,407,780 FOR THE CURTAIN WALL REPAIRS AND BACKFILLING AT B ST PIER PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-014 as part of the Consent agenda.

6. [2021-0449](#) ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY 2021/2022 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$200,000 AND GRANTING INDEMNITY

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-015 as part of the Consent agenda.

7. [2022-0007](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH CARPI & CLAY, INC. FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FROM MARCH 1, 2022 THROUGH FEBRUARY 28, 2026, FOR AN AMOUNT NOT TO EXCEED \$516,000.00.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-016 as part of the Consent agenda.

8. [2022-0040](#) 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 Urtasun, the Board adopted Resolution 2022-017 as part of the Consent agenda.

PUBLIC HEARING

9. [2021-0175](#) B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS, PREFERENTIAL BERTHING, AND SPECIAL FACILITY FEE
- A. RESOLUTION AUTHORIZING AGREEMENTS FOR FUNDING OF B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS AND PREFERENTIAL BERTHING WITH CARNIVAL CORPORATION AND DISNEY CRUISE LINE, INCLUDING CRUISE LINE FUNDING OF \$4 MILLION

B. ORDINANCE AMENDING FISCAL YEAR (FY) 2022 BUDGET INCREASING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$550,000 FOR DESIGN COSTS AND CAPITAL LABOR IN FY 2022, \$500,000 TO BE FUNDED FROM CRUISE LINE ADVANCE AND \$50,000 FOR CAPITAL LABOR TO BE FUNDED FROM UNRESTRICTED RESOURCES

C. RESOLUTION AMENDING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM TO ADD THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT WITH A PROJECT BUDGET OF \$4,000,000 PLUS \$300,000 IN CAPITAL LABOR.

D. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$500,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$1,300,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2022 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

E. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES AND CHARGES, TO ADD A NEW RATE FOR SPECIAL FACILITY FEE

This item was continued to a future Board meeting.

ACTION AGENDA

10. [2022-0051](#) 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.

11. [2020-0309](#) BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., WATERFRONT IMPROVEMENT PROJECT LOCATED AT 2205 EAST BELT STREET IN SAN DIEGO

- A) PRESENTATION AND DIRECTION TO STAFF ON THE BAE SYSTEMS WATERFRONT IMPROVEMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR CONCEPT APPROVAL AND/OR COASTAL DEVELOPMENT PERMIT; AND/OR
- B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION FOR THE "BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., WATERFRONT IMPROVEMENT PROJECT" AS COMPLETE AND PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND
- C) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL FOR THE "BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., WATERFRONT IMPROVEMENT PROJECT"; AND
- D) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO BAE SYSTEMS SAN DIEGO SHIP REPAIR INC. FOR THE PROJECT ELEMENTS WITHIN THE DISTRICT'S COASTAL DEVELOPMENT PERMIT JURISDICTION FOR THE "BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., WATERFRONT IMPROVEMENT PROJECT"

Mike LaFleur, Vice President, Maritime, and Peter Eichar, Senior Environmental Specialist, Planning, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0309 (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: Lydia Pellecer, BAE Systems (with time ceded by Terry Buis); Danny Serrano, Environmental Health Coalition (with time ceded by Lupita Montoya and Angelica Estrada); and Sharon Cloward, Port Tenants Association.

Commissioner Urtasun, Chairman Malcolm, Commissioner Naranjo, Commissioner

Zucchet, Commissioner Moore, and Commissioner Castellanos, provided comments and asked clarifying questions. Peter Eichar, Senior Environmental Specialist, Planning, Chris Burt, Deputy General Counsel, Mike LaFleur, Vice President, Maritime, Jason Giffen, Vice President, Planning and Environment, Lydia Pellecer, BAE Systems, Rebecca Harrington, Assistant General Counsel, and Amber Jensen, Asset Manager, Real Estate, responded.

Commissioner Castellanos made a motion to adopt staff's recommendation but with respect to the Coastal Development Permit the following language and footnote on page 13 of attachment be included:

E) BAE covenants, warrants and represents to use its best efforts and pursue implementation of the CDP conditions diligently; add cross-reference to lease

CDP Footnote: To illustrate, if new equipment would offset annual emissions by 25 pounds per year (as compared to the equipment being replaced) and is purchased and integrated into operations Year 4 of the construction schedule, pounds of reductions would be credited (reflective of emissions achieved in Years 4 and 5) based upon the timeline of implementation and actual operation.

Commissioner Moore seconded the item. The Board adopted Resolution 2022-018; Resolution 2022-019; and Resolution 2022-020. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

12. [2022-0019](#) INFORMATIONAL PRESENTATION ON THE DISTRICT'S CURRENT AND FUTURE COASTAL RESILIENCY AND ADAPTATION EFFORTS FOCUSING ON SEA LEVEL RISE AND DIRECTION TO STAFF

Phil Gibbons, Program Director, Planning and Green Port; and Lily Tsukayama, Senior Planner, Planning and Green Port addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2022-0019 (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: Chris Helmer, City of Imperial Beach; Christiana DeBenedict, Director of Environmental Initiative, San Diego Foundation; and Maren Farnum, Senior Environmental Scientist, Executive Office of the State Lands Commission.

Commissioner Malcolm, Commissioner Castellanos, Commissioner Naranjo, and Commissioner Moore provided comments and asked clarifying questions. Jason Giffen, Vice President, Planning and Environment, and Mr. Gibbons, responded.

13. [2021-0448](#) PRESENTATION ON THE CURRENT STATUS OF THE MARITIME INDUSTRIAL IMPACT FUND (MIIF) AND RESOLUTION AUTHORIZING THE DEPOSIT OF ONE YEAR'S DEFERRED ANNUAL FUNDING ALLOCATION IN THE AMOUNT OF \$134,600, AND DIRECTION TO STAFF.

Ron Powell, Program Manager, Government and Civic Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2021-0448 (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 Naranjo, Commissioner Urtasun, Commissioner LeSar, Commissioner Castellanos, and Commissioner Moore provided comments and asked questions. Job Nelson, Vice President, Strategy and Policy, Mr. Powell, and Michael La Fleur, Vice President, Maritime responded.

Commissioner Naranjo made a motion to adopt staff's recommendation but with respect to the Maritime Industrial Impact Fund (MIIF):

Discuss best practices, analysis, goals and funding of the \$134,600 for the Maritime Industrial Impact Fund (MIIF), during the budget workshop.

Commissioner Urtasun seconded the motion. The Board adopted Resolution 2022-021. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

14. [2022-0010](#) PRESENTATION ON THE FY 2022 PROJECTED YEAR-END FINANCIAL RESULTS AND DIRECTION TO STAFF

Robert DeAngelis, Chief Financial Officer, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2022-0010 (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 Malcolm, Commissioner Urtasun, and Commissioner Castellanos provided comments and asked clarifying questions. Mr. De Angelis, and Job Nelson, Vice President, Strategy and Policy, responded.

15. [2022-0033](#) INFORMATIONAL PRESENTATION ON PLANNED IMPROVEMENTS TO THE CONTRACT SOLICITATION PROCESS IN TERMS OF DIVERSITY, EQUITY AND INCLUSION (DEI), AND SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION GOALS, AND CONSISTENCY IMPROVEMENTS TO THE AGENDA REPORT PROCESS, AND RELATED DIRECTION TO STAFF

Matt Earle, Director, Procurement Services, and Shirley Parsons, Manager, Diversity, Equity and Inclusion, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2022-0033 (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, and Chairman Malcolm provided comments.

16. [2021-0425](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 8, 2022 MEETING

Commissioner Urtasun recused himself from the proposed agenda and did not participate in this item. Commissioner LeSar, in an abundance of caution, abstained from this item..

On a motion by Commissioner Castellanos, seconded by Commissioner Zucchet, the Board approved the proposed March agenda. The motion carried by the following vote;

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 1 - LeSar

Recused: 1 - Urtasun

17. [2021-0059](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:

A) ADOPT ORDINANCE TO ADD ARTICLE 15 "WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS" TO THE SAN DIEGO UNIFIED PORT DISTRICT CODE

B) ADOPT RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATION FACILITIES

This item was continued to a future Board meeting.

18. [2022-0039](#) OFFICER'S REPORT

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

A) Change Order No. 3 for Contract No. 2021-10 with Schindler Elevator
Corporation - Increases Contract by \$7,532.46 & 45 Calendar Day Time
Extension thru 01/02/22

B) Change Order No. 2 for Contract No. 20-06 with EDF Renewables
Distributed Solutions, Inc. - 214 Calendar Day Time Extension thru 08-26-
22

C) Change Order No. 1 for Contract No. 2021-21 with DFS Flooring, L.P. -
Scope of Work Change Only

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

A) Request for User Fee Waiver Form from Group Delta Consultants, Inc.
for Bayshore Bikeway Segment 5 Project, for total amount \$1,658.00

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


None to Report

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

None to Report

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

None to Report



*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, March 8, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 6 - Commissioner Castellanos, Chairman Malcolm, Commissioner A. Moore, Commissioner Naranjo, Commissioner Urtasun, and Commissioner Zucchet

Excused: 0

Absent: 0

Recused: 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: Peter Halmay, Closed Session Item 4 - File No. 2022-0084.

CLOSED SESSION

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

1. [2022-0081](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

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

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;

City of Chula Vista - Maria Kachadoorian;

J.P. Morgan Securities, LLC - Taylor Hart

JPMorgan Chase Bank, N.A. - Tim Self

SDUPD - Joe Stuyvesant, Shaun Sumner, Tony Gordon, Adam Meyer, Stephanie Shook, Matthew Ostlund, and Robert DeAngelis.

Under Negotiations: Price and Terms

This item was continued to a future Board meeting.

2. [2022-0082](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 14.81 acres of District owned property east of Pacific Highway between Laurel Street and Vine Street and approximately 3.97 acres of District owned property west of Pacific Highway between Laurel Street and Sassafras Street

Negotiating Parties:

SANDAG - Ryan Kohut, Hasan Ikhata

SDUPD - Anthony Gordon, Chris Hargett

Under Negotiations: Price and Terms

No reportable action was taken on this item.

3. [2022-0083](#) Closed Session Item No. 3

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 - Joe Stuyvesant, Shaun Sumner, Anthony Gordon, Adam Meyer

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2022-0084](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 105,635 square feet of land area and 290,143 square feet of water area, located at 4900 - 4930 North Harbor Drive, in the City of San Diego

Negotiating Parties:

Driscoll's Marine, Ltd., a California limited partnership - Tom Driscoll,

Karen Driscoll
SDUPD - Shaun Sumner, Anthony Gordon, Chris Hargett, Christian de Manielle

Under Negotiations: Price and Terms

No reportable action was taken on this item.

5. [2022-0086](#)

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

Commissioner Urtasun was recused due to a conflict of interest resulting from ownership of stock in Sempra Energy and did not participate. No reportable action was taken on this item.

6. [2022-0087](#)

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. [2022-0088](#)

Closed Session Item No. 7

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

SLPR LLC, et al. v. San Diego Unified Port District and State of California, et al.

San Diego Superior Court Case No. GIC 860766-1 [Consolidated with 37-2008-000791750-CU-OR-CTL and 37-2016-00025353-CU-EI-CTL]

No reportable action was taken on this item.

8. [2022-0089](#)

Closed Session Item No. 8

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

One (1) Case

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, March 8, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Castellanos, Chairman Malcolm, Commissioner A. Moore, Commissioner Naranjo, Commissioner Urtasun, and Commissioner Zucchet

Excused: 0

Absent: 0

Recused: 0

Commissioner Moore was excused until she arrived.

Officers Present: De Angelis, Medina, Morales, Russell, Stuyvesant, and Yeilding

B. Pledge of Allegiance.

Commissioner Urtasun led the Pledge of Allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, with the exception of Closed Session Item 1 - File No. 2022-0081 which was Continued to a future meeting. Mr. Russell announced that Commissioner Urtasun was recused due to a conflict of interest resulting from ownership of stock in Sempra Energy and did not participate in Closed Session Item 5. - File No. 2022-0086. Mr. Russell concluded by stating that no reportable action was taken.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Michael Jimenez; Vicki Carson; and Alex Calvillo.

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Naranjo, as representative of the Port on the Transportation Committee of the San Diego Association of Governments (SANDAG), provided a report on a San Diego and Imperial Counties Sustainable Freight Strategy. Commissioner Naranjo explained that the strategy is primarily a collaboration between SANDAG and the Imperial County

Transportation Commission with the goal of making goods movement more efficient throughout the land, sea, and air transportation system. Commissioner Naranjo shared the objectives for the freight strategy and explained that she recommended that a public outreach plan be developed as part of the strategy that shows Environmental Justice communities how their air quality and overall quality of life will be improved. Commissioner Naranjo then announced that a draft of the strategy is expected by October 2023, with a final strategy expected as early as December 2023. Commissioner Naranjo added that the strategy is being paid for with \$500,000.00 in Caltrans sustainability program funds.

Commissioner Naranjo then provided a report regarding the February 15th, AB 617 Steering Committee. Commissioner Naranjo shared that the Committee received three presentations: an update on air quality compliance from the Air Pollution Control District (APCD); an overview of clean transportation programs from SDG&E; and an organizational overview from San Diego for a Sustainable, Equitable & Quiet Equipment in Landscaping (SD-SEQUAL) which promotes electrical landscaping equipment. Commissioner Naranjo added that during the Committee meeting Port staff announced the development of the Zero Emission Truck Transition Plan.

Lastly, Commissioner Naranjo announced that on February 17, 2022, the first Community Emissions Reduction Programs (CERP) / Maritime Clean Air Strategy (MCAS) Implementation Subcommittee meeting was held, during which initial priorities for the subcommittee was discussed. Commissioner Naranjo announced that the subcommittee will meet every two weeks and the meetings are open to the public. Additionally, Commissioner Naranjo reported during its second meeting on March 3, 2022, the subcommittee discussed the Air Pollution Control District (APCD) public participation plan and the Port's Zero Emission Truck Transition Plan.

G. Special Recognition

Ameshea Hines-Taylor, Diversity, Equity and Inclusion Analyst, provided an overview of Women's History Month. Ms. Hines-Taylor explained that during Women's History Month the Port will feature women, through internal and external communication channels, that have a strong relevance to current events and changes being made in the world today. Ms. Hines-Taylor stated that the campaign includes the slogan "We Can, We Will, We Are" and also stated that the Port is celebrating International Women's Day with the theme "Breaking Biases".

Amanda Russell, 2021 California Sea Grant State Fellow, provided highlights of her training for the past year with the Environmental Conservation department in the Aquaculture and Blue Technology program. Ms. Russell then introduced and welcomed the next cohort of the California Sea Grant State Fellows for the Port, Mariela Rios Alcubilla.

H. President's Report.

Joe Stuyvesant, President/CEO, provided a report on the California Association of Port Authorities annual Ports Day which was held virtually on February 16, 2022. Mr. Stuyvesant explained that this was an opportunity to include the Port's voice in conversations with our sister ports and state government leaders, with one of his main messages being "that despite the news headlines, not all ports are the same".

Mr. Stuyvesant then shared that the Port of San Diego is inviting the public and stakeholders to participate in a virtual Pepper Park Design Workshop beginning at 6 p.m. on Wednesday, March 23, 2022 via Zoom. Mr. Stuyvesant explained that at the

workshop the community will have the opportunity to view three conceptual plans for park redevelopment and provide feedback. This feedback will then be incorporated into one concept plan for public review and feedback during a second design workshop later this spring. Mr. Stuyvesant added that the redesign effort and construction of some improvements are made possible by \$3.85 million in federal stimulus funds designated by the Board.

I. 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 8 - File 2022-0011; Item 10 - File 2022-0038; Item 11 - File 2022-0037; and Item 12 - File 2022-0054.

Ms. Morales then announced that staff requests that the Board consider the following items to be continued to a future Board meeting: Item 3 - File 2022-0079; and Item 9 - File 2022-0068.

Commissioner Urtasun was recused due to a conflict of interest resulting from ownership of stock in Sempra Energy and did not participate in Item 3 - File 2022-0079.

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

Yeas: 5 - Castellanos, Malcolm, A. Moore, Naranjo, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Urtasun

APPROVAL OF MINUTES

[2022-0085](#) Approval of minutes for:

February 8, 2022 - CLOSED SESSION

February 8, 2022 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, the Board approved the February 2022 minutes. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, A. Moore, Naranjo, Urtasun, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-022; Resolution 2022-023; Resolution 2022-024; Resolution 2022-025; Resolution 2022-026; Resolution 2022-027; and Resolution 2022-028. The motion carried by the following vote:

Yeas: 6 - Castellanos, Malcolm, A. Moore, Naranjo, Urtasun, and Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2021-0114](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF FOURTEEN (14) ELECTRIC VEHICLES IN AN AMOUNT NOT TO EXCEED \$820,000. THIS PURCHASE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. 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.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-022 as part of the Consent Agenda.

2. [2021-0116](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WEX BANK FOR OFFSITE FUELING OF DISTRICT VEHICLES FROM APRIL 1, 2022 TO SEPTEMBER 7, 2025 FOR A NOT TO EXCEED AMOUNT OF \$850,000. 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 2022 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 Naranjo, the Board adopted Resolution 2022-023 as part of the Consent agenda.

3. [2022-0079](#) RESOLUTION CONSENTING TO A TEN-YEAR EASEMENT BETWEEN

MARINE GROUP BOAT WORKS, LLC AND SAN DIEGO GAS AND ELECTRIC COMPANY FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT 997 G ST. IN THE CITY OF CHULA VISTA, CALIFORNIA

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.

4. [2022-0017](#) RESOLUTION SELECTING AND AUTHORIZING FIVE-YEAR AGREEMENTS WITH LOMA MEDIA PARTNERS; D2 CREATIVE, LLC; AND SAVACOO SECVIOR DBA LESS + MORE FOR AS-NEEDED CREATIVE AGENCY SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$550,000 BEGINNING ON MARCH 15, 2022 AND ENDING MARCH 14, 2027. FUNDS FOR FISCAL YEAR 2022 HAVE BEEN BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-024 as part of the Consent agenda.
5. [2022-0042](#) MARITIME STAKEHOLDER FORUM
A. RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS (BPC) POLICY 018A, SECTION 3 TO ALLOW THREE COMMISSIONERS TO SERVE AS FACILITATORS FOR THE MARITIME STAKEHOLDER FORUM DURING 2022
B. RESOLUTION APPROVING THE CALENDAR YEAR 2022 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-025; Resolution 2022-026 as part of the Consent agenda.
6. [2022-0069](#) 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 2022-027 as part of the Consent agenda.
7. [2022-0073](#) ADOPT A RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' MARCH MEETING DATES FOR CALENDAR YEAR 2022

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-028 as part of the Consent agenda.

PUBLIC HEARING AGENDA

8. [2022-0011](#) NORTH HARBOR DRIVE PARKING LOTS, IN THE SHELTER ISLAND PLANNING DISTRICT, ADJACENT TO NORTH HARBOR DRIVE, BETWEEN SCOTT STREET AND NIMITZ BOULEVARD
- A. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO APPEALABLE COASTAL DEVELOPMENT PERMIT 2014-02 FOR THE "NORTH HARBOR DRIVE REALIGNMENT PROJECT" TO CONVERT FREE PARKING TO PAID PARKING IN THE NORTH HARBOR DRIVE PARKING LOTS, CONDITIONED ON THE ASSOCIATED REAL ESTATE AGREEMENTS BEING APPROVED
- B. ADOPT ORDINANCE GRANTING A LEASE AMENDMENT (LEASE AMENDMENT NO. 5) TO POINT LOMA MARINA, LLC., A CALIFORNIA LIMITED LIABILITY COMPANY, DBA "POINT LOMA MARINA", EXPANDING ITS LEASEHOLD BOUNDARIES TO INCLUDE CERTAIN SECTIONS OF THE NORTH HARBOR DRIVE PARKING LOTS TO BE OPERATED AS PAID PUBLIC PARKING, AND REMOVING THE REQUIREMENT FOR POINT LOMA MARINA TO PAY A MONTHLY CONTRIBUTION INTO THE AMERICA'S CUP HARBOR PARKING FUND
- C. ADOPT ORDINANCE GRANTING A SEVEN (7) YEAR AND NINE (9) MONTH TIDELANDS USE AND OCCUPANCY PERMIT, WITH FOUR (4) ADDITIONAL FIVE (5) YEAR OPTIONS TO EXTEND, TO SCOTT STREET PARKING, INC., A CALIFORNIA CORPORATION, FOR CERTAIN SECTIONS OF THE NORTH HARBOR DRIVE PARKING LOTS TO BE OPERATED AS PAID PUBLIC PARKING
- D. ADOPT ORDINANCE GRANTING A LEASE AMENDMENT (AMENDED AND RESTATED LEASE AMENDMENT NO. 1) TO UNITED SPORTFISHERS OF SAN DIEGO INC., A CALIFORNIA CORPORATION DBA "H&M LANDING", REMOVING THE REQUIREMENT FOR H&M LANDING TO PAY A MONTHLY CONTRIBUTION INTO THE AMERICA'S CUP HARBOR PARKING FUND
- E. ADOPT ORDINANCE GRANTING A LEASE AMENDMENT (LEASE AMENDMENT NO. 4) TO FISHERMAN'S LANDING CORPORATION, A CALIFORNIA CORPORATION DBA "FISHERMAN'S LANDING", REMOVING THE REQUIREMENT FOR FISHERMAN'S LANDING TO PAY A MONTHLY CONTRIBUTION INTO THE AMERICA'S CUP HARBOR PARKING FUND
- F. ADOPT ORDINANCE GRANTING A LEASE AMENDMENT (LEASE

AMENDMENT NO. 3) TO POINT LOMA SPORTFISHING ASSOCIATION OF SAN DIEGO, INC., A CALIFORNIA CORPORATION DBA "POINT LOMA SPORTFISHING", REMOVING THE REQUIREMENT FOR POINT LOMA SPORTFISHING TO PAY A MONTHLY CONTRIBUTION INTO THE AMERICA'S CUP HARBOR PARKING FUND

Tony Gordon, Director, Real Estate, joined by Christian De Manielle, Real Estate, Megan Hamilton, Development Services and Simon Kahn, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 8 - File No. 2022-0011 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: Greg Boeh; and Frank Ursitti.

Chairman Malcolm closed the Public Hearing.

Commissioner Zucchet, Chairman Malcolm, and Commissioner Urtasun provided comments.

On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-029, Ordinance 3035, Ordinance 3036, Ordinance 3037, Ordinance 3038 and Ordinance 3039. The motion carried by the following vote:

Yeas: 5 - Castellanos, Malcolm, A. Moore, Urtasun, and Zucchet

Nays: 0

Excused: 1 - Naranjo

Absent: 0

Abstain: 0

Recused: 0

9. [2022-0068](#) STAY OPEN SAN DIEGO HOTEL PROJECT
- A) ADOPT RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE STAY OPEN SAN DIEGO HOTEL PROJECT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION
- B) CONDUCT PUBLIC HEARING, ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

The Board will consider staff's request to continue this item to the April 12, 2022 Board meeting.

This Item was continued to April 12, 2022 Board meeting.

ACTION AGENDA

10. [2022-0038](#) PRESENTATION AND UPDATE ON THE SEAPORT SAN DIEGO PROJECT WITH 1HWY1, LLC FOR THE REDEVELOPMENT OF A PORTION OF THE CENTRAL EMBARCADERO DISTRICT IN THE CITY OF SAN DIEGO AND DIRECTION TO STAFF ON THE SAME

Tony Gordon, Director, Real Estate, along with Alexa Paulus, James Hammel, Adam Meyer, Real Estate, Elizabeth Alonso, Office of the General Council, and Yehudi Gaffen and the 1 HWY1 team, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2022-0038 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

As part of the record, Chairman Malcolm summarized the following letters received in opposition and support of the project: Ernie Simon; Susan Simon, Co-Chair of the Embarcadero Coalition; David Horowitz; Mazzerella and Mazzerella; Brad Monroe; Ryan Rouland; Clifford Weiler; Malvina Abbot; San Diego Building County and Trade Union; Councilmember Joe LaCava; University California San Diego; Councilmember Chris Cate; Greg Shields; Marni von Wilpert; San Diego County Regional Airport Authority; Councilmember Raul Campo; Todd Gloria; Nathan Fletcher; Nora Vargas and Peter Halmay. Chairman Malcolm provided information how copies of the letters can be obtained.

The following Member(s) of the public addressed the Board with agenda-related comments: Mark Mazzarella, Mazzarella Law; Robert Piskule; Peter Halmay, San Diego Fisherman's Working Group; Kris Honings, San Diego Fisherman's Working Group; Brigitte Browning, San Diego Imperial Labor Council; Matt Everingham, Everingham Bros. Bait Co.; John Sabourin; John Alvarado, Good Neighbor Project San Diego; Bruce Blakey, RUOCCO Fund; Adrian Bustos; Joyce Sumner; Joshua Coyne on behalf of Betsy Brennan, Downtown San Diego Partnership; Julie Coker, San Diego Tourism Authority; Lauree Sabha, San Diego Regional Economic Development Corporation; Whill Rhatigan, San Diego County Bicycle Coalition; Gaidi Finnie, San Diego African American Museum of Fine Arts; Ashley Martinez, San Diego County Regional Airport Authority; Ted Tanner, AEG; Dike Anyiwo, San Diego Regional Chamber of Commerce; Matt Classen, TMA BlueTech; Trudy Stambrook; Carol Kim, San Diego Building and Construction Trades Council; Jim Peugh, San Diego Audubon Society; Al Sanchez; Ann Fowler; Anonymous; Anonymous; Anonymous; C. Wiler; Carolyn Fitzgerald; Clayton Tschudy; Don Wood; Dr. Lamont Jackson; Gretchen Newsom; Harry Helling for Margaret Leinen; J. Radkey; Janet Rogers; Javier Santiso; Kelvin Barrios; Laurie Koski; Mark Stevens; Nina Shore; Pat Prestel; Peter Flournoy; Peter Pfau; Richard Barrera; Richard Goldberg; Rick Bates; Sandy Kate; Sean Ellis; Stephen Whitburn; and Elizabeth Morris.

Chairman Malcolm thanked the public for engaging in the public process. Chairman Malcolm clarified that this item is an opportunity for the Commission and the public to view the project and provide input, in addition to the Commission providing direction to staff and the developer.

Commissioner Moore, Commissioner Urtasun, Commissioner Castellanos, Commissioner Naranjo, Commissioner Zucchet and Chairman Malcolm provided comments and asked clarifying questions. Lesley Nishihira, and Yehudi Gaffen responded.

11. [2022-0037](#) PRESENTATION AND DIRECTION TO STAFF ON THE PRELIMINARY HEAVY-DUTY ZERO EMISSION TRUCK TRANSITION PLAN

In the interest of time, Agenda Item 11 – File 2022-0037 was continued until the next

Board meeting.

This Action Item was continued.

- 12.** [2022-0054](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:
- A) ADOPT ORDINANCE TO ADD ARTICLE 15 “WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS” TO THE SAN DIEGO UNIFIED PORT DISTRICT CODE
- B) ADOPT RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATION FACILITIES
- Due to a power outage, the meeting was adjourned. No action was taken on this item and it will be continued to a future Board Meeting.*
- This Action Item was continued.**
- 13.** [2022-0020](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE APRIL 12, 2022 MEETING
- Due to power outage the meeting was adjourned. The Board did not take action on this item.*
- 14.** [2022-0066](#) OFFICER’S REPORT
- MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:
- A) Change Order No. 5 for Contract No. 2019-38 with SOLPAC Construction, Inc. dba Soltek Pacific Construction Company - Decreases Contract by \$272,500.00
- 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 Rentunder Holdings AB for Drive-In Boat Wash Demonstration Project, for total amount \$1,308.00
- B) Request for User Fee Waiver Form from City of Coronado for Skateboard Park TUOP Renewal, for total amount \$1,100.00
- MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS AMENDED ON JANUARY 10, 2017:

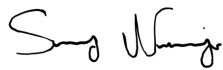
None to Report

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

None to Report

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

None to Report



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Monday, March 28, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 5 - Chairman Malcolm, Commissioner A. Moore, Commissioner D. Moore, Commissioner Naranjo, and Commissioner Zucchet

Excused: 1 - Commissioner Castellanos

Absent: 0

Recused: 1 - Commissioner Urtasun

Commissioner Zucchet was excused until he arrived.

Commissioner Urtasun was recused due to a previous business relationship with RIDA.

Officers Present: DeAngelis and Morales

B. Public Communications.

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

CLOSED SESSION

Rebecca Harrington, Assistant General Counsel, announced the Closed Session items as follows:

1. [2022-0102](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

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

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton;

City of Chula Vista - Maria Kachadoorian;

J.P. Morgan Securities, LLC - Taylor Hart
JPMorgan Chase Bank, N.A. - Tim Self
SDUPD - Joe Stuyvesant, Shaun Sumner, Tony Gordon, Adam Meyer,
Stephanie Shook, and Robert DeAngelis.

Under Negotiations: Price and Terms

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, April 12, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Officers Present: Morales, Russell, and Stuyvesant.

Commissioner D. Moore is excused until she arrives.

Commissioner D. Moore recused herself from Item No. 4 - File 2022-0124 and one of the matters under Item No. 5 - File 2022-0119 due to a business relationship her law firm has with the USS Midway Museum.

Commissioner Urtasun recused himself from Item No. 1 - File 2022-0127 due to a previous business relationship with RIDA.

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. [2022-0127](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

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

Vista

Negotiating Parties:

RIDA Chula Vista, LLC - Ira Mitzner and Luke Charlton

City of Chula Vista - Maria Kachadoorian

J.P. Morgan Securities, LLC - Taylar Hart

JPMorgan Chase Bank, N.A. - Tim Self

SDUPD - Joe Stuyvesant, Anthony Gordon, Adam Meyer and Robert DeAngelis

Under Negotiations: Price and Terms

Commissioner Urtasun recused himself from Item No. 1 - File 2022-0127 due to a previous business relationship with RIDA.

No reportable action was taken on this item.

2. [2022-0121](#)

Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 105 acres of land and water located in the City of San Diego situated between downtown and the Bay in the District's Central Embarcadero area and bordered by the USS Midway Museum and Harbor Drive to the north, Manchester Grand Hyatt and Kettner Boulevard to the east, and San Diego Bay to the south and west

Negotiating Parties:

1HWY1, LLC - Yehudi Gaffen

SDUPD - Joe Stuyvesant, Adam Meyer, Anthony Gordon, James Hammel, Alexa Paulus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

3. [2022-0120](#) 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

Approximately 164,668 square feet of tideland area located at 1240 W. 28th Street, National City, California

Negotiating Parties:

United States Navy - Naval Facilities Engineering Systems Command (NAVFAC) Southwest

PLA-ART - Frank Plant

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, James Hammel

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2022-0124](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 314,436 square feet of pier area and improvements and approximately 288,500 square feet of water area 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, Anthony Gordon and Lesley Nishihira

Under Negotiations: Price and Terms

Commissioner D. Moore recused herself from Item No. 4 - File 2022-0124 due to a business relationship her law firm has with the USS Midway Museum.

No reportable action was taken on this item.

5. [2022-0119](#) Closed Session Item No. 5

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

Three (3) cases

Commissioner D. Moore recused herself from one of the matters under Item No. 5 - File 2022-0119 due to a business relationship her law firm has with the USS Midway Museum.

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, April 12, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, and Commissioner Frank Urtasun

Excused: 1 - Commissioner Michael Zucchet

Absent: 0

Recused: 0

Commissioners A. Moore, and Naranjo were excused until they arrived.

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

B. Pledge of Allegiance.

Commissioner Danielle Moore led the pledge of allegiance.

SPECIAL ORDER OF THE DAY

SWEARING IN CEREMONY – COMMISSIONER DANIELLE MOORE

Commissioner Castellanos conducted the ceremonial swearing-in of Commissioner Danielle Moore.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the items on the Closed Session Agenda, with the exception of Item No. 4 - File 2022-0124 and two out of the three items on Item No. 5 - File 2022-0119. Commissioner D. Moore recused herself from Item No. 4 - File 2022-0124 and one of the matters under Item No. 5 - File 2022-0119 due to a business relationship her law firm has with the USS Midway Museum, with respect to Item No. 1 - File 2022-0127, Commissioner Urtasun recused himself due to a previous business relationship with RIDA and did not participate. No reportable action was taken.

D. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Ryan Dowling; and Peggy Walker.

E. Board Committee Reports.

Commissioner Naranjo provided a report on the March 24, 2022, Audit Oversight Committee. Commissioner Naranjo announced that the Audit Oversight Committee Work Plan for 2022 was presented in which the Audit Committee agreed with the work plan and recommended it be moved to the Board for approval and is on the agenda as Consent Item 1 - File 2022-0035. Commissioner Naranjo shared that presentations included a brief orientation for new committee members; an audit plan status update; and internal audit trends, as well as an introduction to the new External Auditors, Moss Adams. The committee also reviewed the External Auditors Required Engagement Letter and Annual Fee for the Annual Financial Statements and Single Audit for Fiscal Year 2022.

Commissioner Castellanos shared that the Environmental Advisory Committee held its first meeting of the year on March 16th, 2022 and adopted their workplan for the year. Commissioner Castellanos then shared that the committee received presentations updating the following: the living shorelines project; the Regional Harbor Monitoring Program; and near-term goals of the Maritime Clean Air Strategy.

Commissioner Urtasun announced that the Maritime Stakeholder Forum held its first meeting for 2022 on March 24. The forum received presentations on the Maritime Clean Air Strategy, including the truck transition plan; Elasticity Study update; and District's Electrification update, followed by presentations on Cargo Business Developments and Cruise Industry updates. Commissioner Urtasun thanked all who participated in the Forum.

F. Commissioner's Reports.

Chair Malcolm honored Bob Nelson, Commissioner Emeritus, who passed away last month. Chair Malcolm shared that Commissioner Emeritus Nelson served on the Board for many years and made a difference at the Port and in the community with his articulation, range of interest and knowledge, passion and warmth. Commissioner Castellanos and Commissioner Urtasun also shared sentiments about Commissioner Emeritus Nelson.

Commissioner Urtasun provided a report on the March lobbying trip to Washington D.C. with Commissioner Zucchet, President Stuyvesant and staff from Government & Civic Relations. A highlight of the trip was meeting with Senator Alex Padilla. They talked about the Maritime Clear Air Strategy (MCAS), the electrification efforts and had the opportunity to thank him for his role in the American Rescue Plan Act (ARPA) funding. Commissioner Urtasun shared that they met with Congresswoman Sarah Jacobs and former Commissioner of the Port, Congressman Scott Peters and updated them on Port infrastructure grant funding that we are seeking.

Commissioner Urtasun also shared that they visited the Pentagon and the Naval Ship Yard for meetings with Admiral Yancy Lindsey and Rear Admiral John Korka as well as Principal Deputy Assistant Secretary James Balocki where they talked about the importance of the Navy as a strategic partner. They also had meetings with Congressman Levin's office. Commissioner Urtasun congratulated the Port's government relations team and Carpi & Clay for their work with Washington D.C.

Commissioner Naranjo provided a report on the Pepper Park Redesign. She announced that on March 23, 2022, there was a virtual community workshop with 130 community members in attendance. There have also been three pop-up workshops and a survey which asks for public and stakeholder feedback on three conceptual plans that were put

together based on input collected during previous Pepper Park outreach efforts. Commissioner Naranjo announced that the public will have the opportunity to review and provide feedback on one concept based on previous feedback received at a second community design workshop on May 5, 2022, at the Longshoreman Local 29 Union Hall. Commissioner Naranjo also shared that the redesign effort and construction of some of the improvements are made possible via \$3.85 million of federal stimulus funds designated by the Board.

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.

Mike LaFleur, Vice President, Maritime, recognized Connie LeFevre, Senior Trade Account Representative, Maritime, for her 20 years of service.

H. President's Report.

Joe Stuyvesant, President/CEO, shared that there was an Officer involved shooting on Sunday, April 10, 2022. There were no fatalities and the three Harbor Police Officers involved were uninjured. Per protocol, San Diego Police Department is investigating. Mr. Stuyvesant also shared that body camera video and stationary camera video are being reviewed and he anticipates that the video will be released in about 10 days once the Port has concurrence from the San Diego Police department investigations. Mr. Stuyvesant commended the Officers for their actions which saved the suspects life and Acting Chief Fernandez who arrived on scene and coordinated all issues .

Mr. Stuyvesant then announced that Elba Gomez has been hired as the new Vice President of Administration and that her first day will be May 3, 2022.

Mr. Stuyvesant shared that on March 24, 2022, Commissioner Castellanos, on behalf of the Port, received the Economic Prosperity Award from the Downtown San Diego Partnership for the Port's efforts in the Seaport Village Revitalization project which includes \$8M in operational and financial investments by the Port. Seaport Village is operating at 94% occupancy with 16 vacancies filled in 3 years.

Lastly, Mr. Stuyvesant thanked the collaboration between the Port of San Diego, the City of National City, and San Diego Gas and Electric for the groundbreaking which took place during the last week of March, for 11 EV charging stations including two that are ADA compliant. Mr. Stuyvesant announced that the project should be completed and ready for charging before summer. The project is at no cost to the Port and the charging stations are being provided and installed by SDG&E through the Power Your Drive program.

I. 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 15 - File 2022-0093; and Item 16 - File 2022-0094.

Ms. Morales then announced that staff requests that the Board consider the following items to be continued to a future Board meeting: Item 14 - File 2022-0097; and Item 19 - File 2022-0110.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted the requested docket changes. The motion carried by the

following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0116](#)

Approval of minutes for:

March 8, 2022 - CLOSED SESSION

March 8, 2022 - BPC MEETING

March 28, 2022 - CLOSED SESSION

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board approved the March 2022 minutes. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner D. Moore announced that due to a business relationship her law firm has with the USS Midway Museum, she is recusing herself from Consent Item 9 - File 2022-0098, and did not participate.

Chairman Malcolm announced that due to being a landlord of various commercial properties that have wireless tenants, he has no financial interest, and there is no financial impact on his properties, however, in an abundance of caution, he is recusing himself from Item 13 - File 2022-0072, and did not participate.

Commissioner Urtasun and Chair Malcolm made comments on Item 10 - File 2022-0080.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted the balance of the Consent agenda thereby adopting Resolution 2022-030; Resolution 2022-031; Resolution 2022-032; Resolution 2022-033; Resolution 2022-034; Resolution 2022-035; Resolution 2022-036;

Resolution 2022-037; Resolution 2022-039; Resolution 2022-040; Resolution 2022-041. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 0

9. [2022-0098](#) USS MIDWAY MUSEUM AND NAVY PIER: ADOPT RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING, A PAYMENT AGREEMENT, AND A PARK MAINTENANCE AGREEMENT BETWEEN THE DISTRICT AND USS MIDWAY MUSEUM FOR THE CONVERSION AND DEVELOPMENT OF A PUBLIC PARK WITH ANCILLARY PARKING ON NAVY PIER

Commissioner D. Moore announced that due to a business relationship her law firm has with the USS Midway Museum, she is recusing herself from Consent Item 9 - File 2022-0098, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-038. The motion carried by the following vote:

Yeas: 4 - Rafael Castellanos, Dan Malcolm, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 1 - Danielle Moore

13. [2022-0072](#) ASSIGNMENT OF TIDELAND USE AND OCCUPANCY PERMIT, WITH CONSENT TO SUBLEASE, FOR WIRELESS COMMUNICATION EQUIPMENT LOCATED BEHIND THE SAN DIEGO CONVENTION CENTER AT 224 MARINA PARK WAY, CITY OF SAN DIEGO

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF A TIDELAND USE AND OCCUPANCY PERMIT FROM SPRINT PCS ASSETS, LLC TO VB RUN, LLC FOR WIRELESS COMMUNICATION EQUIPMENT

B. RESOLUTION CONSENTING TO A SUBLEASE THROUGH SEPTEMBER 30, 2025, WITH ONE FIVE-YEAR OPTION TO EXTEND

THE TERM FROM VB RUN, LLC TO SPRINT PCS ASSETS, LLC FOR WIRELESS COMMUNICATION EQUIPMENT

Chairman Malcolm announced that due to being a landlord in properties that have wireless tenants, he is recusing himself from Item 13 - File 2022-0072, and did not participate.

On a motion by Commissioner Naranjo, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-042; and Resolution 2022-0043. The motion carried by the following vote:

Yeas: 4 - Rafael Castellanos, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 1 - Dan Malcolm

1. [2022-0035](#) RESOLUTION APPROVING THE 2022 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 Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-030 as part of the Consent Agenda.
2. [2022-0031](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO AGREEMENT WITH NATURESCAPE SERVICES, INC. FOR AS-NEEDED TRASH AND LITTER SERVICES AT SIXTEEN (16) DISTRICT LOCATIONS, INCLUDING PARKS AND OTHER HIGH-TRAFFIC PUBLIC AREAS, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$350,000 FOR A NEW MAXIMUM AMOUNT OF \$520,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2022 BUDGET. ALL FUNDS FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-031 as part of the Consent Agenda.
3. [2022-0055](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH Nth GENERATION COMPUTING, INC, FOR VMWARE VCLOUD SUITE SOFTWARE SUBSCRIPTION, IN AN AMOUNT NOT TO EXCEED \$182,404.00, AND AUTHORIZING SUBSEQUENT SUBSCRIPTION LICENSE RENEWALS. FY22 EXPENDITURES ARE BUDGETED IN THE DISTRICT'S ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM AND EXPENDITURES FOR FUTURE

SUBSCRIPTIONS WILL BUDGETED IN THE APPROPRIATE FISCAL YEAR'S BUDGET, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-032 as part of the Consent Agenda.

4. [2022-0056](#) ENVIRONMENTAL ADVISORY COMMITTEE:

A) RESOLUTION APPROVING CALENDAR YEAR 2022 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY 018, BOARD ADVISORY COMMITTEES; AND
B) RESOLUTION APPROVING ADMINISTRATIVE MODIFICATIONS TO BOARD OF PORT COMMISSIONERS POLICY 730 THE PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-033; Resolution 2022-034 as part of the Consent Agenda.

5. [2022-0063](#) RESOLUTION SELECTING AND AUTHORIZING A FIVE (5) YEAR AGREEMENT WITH UNIVERSAL PROTECTION SERVICES, LP DBA ALLIED UNIVERSAL SECURITY SERVICES FOR SECURITY SERVICES AT B STREET CRUISE SHIP TERMINAL, THE PORT PAVILION AT BROADWAY PIER, TENTH AVENUE MARINE TERMINAL, JOINT HARBOR OPERATION CENTER, ADMINISTRATION BUILDING, AND AS NEEDED REQUESTS FOR AN AMOUNT NOT TO EXCEED \$16,029,000, OF WHICH APPROXIMATELY \$8,335,080 ARE REIMBURSABLE TO THE DISTRICT BY MEANS OF PASS-THROUGH FEES TO CRUISE LINES AND OTHER USERS. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH YEAR'S FISCAL BUDGET.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-035 as part of the Consent Agenda.

6. [2022-0065](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH WOOD ENVIRONMENT AND INFRASTRUCTURE SOLUTIONS INC. FOR AN AMOUNT NOT TO EXCEED \$1,525,000 FOR A PERIOD OF FIVE (5) YEARS, FROM JULY 1, 2022, THROUGH JUNE 30, 2027, TO IMPLEMENT THE REGIONAL HARBOR MONITORING PROGRAM AND EVALUATE THE STATUS AND TRENDS OF WATER, SEDIMENTS, AND AQUATIC LIFE IN THE REGION'S HARBORS IN COMPLIANCE WITH § 13225 OF THE CALIFORNIA WATER CODE. 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 Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-036 as part of the Consent Agenda.

7. [2022-0067](#) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2021/2022

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-037 as part of the Consent Agenda.

8. [2022-0070](#) ORDINANCE ADOPTING SAN DIEGO HARBOR POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY AS REQUIRED BY ASSEMBLY BILL 481

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Ordinance 3040 as part of the Consent Agenda.

10. [2022-0080](#) RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS' POLICY NO. 110 SECTION II E AND AUTHORIZING AN AGREEMENT WITH SAN DIEGO REGIONAL TASK FORCE ON HOMELESSNESS FOR SERVICES RELATED TO HOMELESSNESS ON PORT TIDELANDS IN AN AMOUNT NOT TO EXCEED \$1,200,000. EXPENDITURES ARE BUDGETED IN THE DISTRICT'S ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-039 as part of the Consent Agenda.

11. [2022-0105](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-040 as part of the Consent Agenda.

12. [2022-0125](#) ADOPT A RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' APRIL AND MAY MEETING DATES FOR CALENDAR YEAR 2022

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-041 as part of the Consent Agenda.

PUBLIC HEARING AGENDA

14. [2022-0097](#) STAY OPEN SAN DIEGO HOTEL PROJECT
 A) ADOPT RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE STAY OPEN SAN DIEGO HOTEL PROJECT, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION
 B) CONDUCT PUBLIC HEARING, ADOPT RESOLUTION APPROVING

THE PORT MASTER PLAN AMENDMENT AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

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

This Item was continued to a future Board meeting.

ACTION AGENDA

15. [2022-0093](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:

A) ADOPT ORDINANCE TO ADD ARTICLE 15 "WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS" TO THE SAN DIEGO UNIFIED PORT DISTRICT CODE

B) ADOPT RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATION FACILITIES

Chairman Malcolm was recused from this item due to a landlord relationship with Sprint and Verizon, and did not participate.

Wileen Manaois, Director, Development Services, joined by Cameron McLeod, Assistant Asset Manager, Real Estate, and Christopher Burt, Deputy General Counsel V, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2022-0093 (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: Christine Moore, Executive Director External Affairs, AT&T; Kaylee Gal, Communication Workers of America.

Commissioner Urtasun, Commissioner Naranjo, and Commissioner Castellanos, provided comments and asked clarifying questions. Thomas Russell, General Counsel, Office of the General Counsel, Christopher Burt and David Jones, Deputy General Counsel IV, Office of the General Counsel, responded.

Commissioner Urtasun, called for a motion to adopt A and B with an added condition for staff to bring back this item 6 months after the Ordinance goes into effect. Commissioner Naranjo seconded the motion, the Board thereby adopted Ordinance 3041; and Resolution 2022-044. The motion carried by the following vote:

Yeas: 4 - Rafael Castellanos, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 1 - Dan Malcolm

18. [2021-0162](#) STRUCTURAL PILE REPAIRS AT NAVY PIER

A. RESOLUTION REJECTING BID PROTEST FROM ABHE & SVOBODA INC. REGARDING THE AWARD OF CONTRACT NO. 2020-15 TO REYES CONSTRUCTION INC.

B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-15 TO REYES CONSTRUCTION INC. IN THE AMOUNT OF \$10,081,700 FOR THE STRUCTURAL PILE REPAIRS AT NAVY PIER, SAN DIEGO, CA PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION.

Commissioner A. Moore joined the meeting remotely via Teams.

Commissioner D. Moore announced that due to a business relationship her law firm has with the USS Midway Museum, she is recusing herself from Action Item 18 - File 2021-0162, and did not participate.

Commissioner Urtasun announced that due to a business relationship with one of the Bidders, Marathon Construction, he is recusing himself from Action Item 18 - File 2021-0162, and did not participate.

Ernie Medina, Chief Engineer, Engineering-Construction along with Noemi Aquino, Capitol Project Manager, Engineering-Construction, Matt Earle, Director, Procurement Services, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2021-0162 (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: Allen Estes, Attorney for Gordon & Rees Scully Manssukhani; Timothy Pierce, Reyes Construction.

Chair Malcolm, Commissioner Castellanos, and Commissioner A. Moore provided comments and asked clarifying questions. Simon Kann, Assistant General Counsel, responded.

Chair Malcolm called for a motion to waive Abhe & Svoboda's failure to submit required information on the Bidder Statement of Experience with its electronic bid submittal, if such waiver did not give Abhe & Svoboda an unfair advantage; declare Abhe & Svoboda's bid responsive; and sustain bid proposal filed by Abhe & Svoboda. Commissioner Castellanos seconded the motion, thereby adopting Resolution 2022-045. The motion carried by the following vote:

Yeas: 4 - Rafael Castellanos, Dan Malcolm, Ann Moore, and Sandy Naranjo

Nays: 0

Excused: 1 - Michael Zucchet

Absent: 0

Abstain: 0

Recused: 2 - Danielle Moore, and Frank Urtasun

Commissioner Castellanos called for a motion to adopt B to adopt a Resolution approving plans and specifications and awarding contract 2020-15 to Abhe & Svoboda Inc., in the amount of \$9,891,910M for the construction of the structural pile repairs and Navy Pier project as authorized by the Board in the FY 2022 economic recovery program appropriations as they are now declared the lowest responsive responsible bidder. Commissioner Naranjo seconded the motion, thereby, adopting Resolution 2022-046. The motion carried by the following vote:

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-046. The motion carried by the following vote:

Yeas: 4 - Rafael Castellanos, Dan Malcolm, Ann Moore, and Sandy Naranjo

Nays: 0

Excused: 1 - Michael Zucchet

Absent: 0

Abstain: 0

Recused: 2 - Danielle Moore, and Frank Urtasun

Commissioner A. Moore left the meeting and did not return.

16. [2022-0094](#) PRESENTATION AND DIRECTION TO STAFF ON THE PRELIMINARY HEAVY-DUTY ZERO EMISSION TRUCK TRANSITION PLAN

Phil Gibbons, Program Director, Planning, joined by Jason Giffen, Vice President, Planning and Environment, Larry Hofreiter, Program Director, Planning, Simon Kann, Assistant General Counsel, Office of the General Counsel, and consultants from WSP, Ryan Whipple, Peter Ruscitti, and Lance MacNevin, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2022-0094 (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: Diane Takvorian, Environmental Health Coalition; Sophie Silvestri, Pasha Automotive Services; Frank Plant, San Diego Refrigerated Services; Sharon Cloward, San Diego's Working Waterfront; John Alvarado, Good Neighbor Project; and Sarah Elkotbeid, Natural Resources Defense Counsel.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Commissioner D. Moore and Chair Malcolm provided comments and asked clarifying

questions. Phil Gibbons, Joe Stuyvesant, President/CEO, Larry Hofreiter, and Jason Giffen responded.

17. [2022-0092](#) INFORMATIONAL UPDATE ON DIVERSITY, EQUITY, AND INCLUSION WORK AND INVITATION FOR FEEDBACK AND ANY DIRECTION TO STAFF

Shirley Parsons, Manager, Diversity, Equity and Inclusion, along with Job Nelson, Vice President, Strategy and Policy, Christine Antoine, Senior Policy Administrator, Government and Civic Relations, and Christopher Burt, Deputy General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2022-0092 (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, Commissioner Castellanos, and Commissioner D. Moore provided comments and asked clarifying questions. Shirley Parsons, Job Nelson, and Christine Antoine, responded.

19. [2022-0110](#) INFORMATIONAL UPDATE ON FINDINGS FROM THE DISTRICT'S STUDY ON THE PRICE ELASTICITY OF DEMAND FOR MARITIME FACILITIES AT THE TENTH AVENUE MARINE TERMINAL AND NATIONAL CITY MARINE TERMINAL

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

This Action Item was continued to a future Board meeting.

20. [2022-0021](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MAY 10, 2022 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board approved the approved agenda for May. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Frank Urtasun

Nays: 0

Excused: 2 - Ann Moore, and Michael Zucchet

Absent: 0

Abstain: 0

Recused: 0

21. [2022-0108](#) OFFICER'S REPORT

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

A) Change Order No. 3 to Contract No. 2020-12 with Capital Industrial
Restoration, Inc. - Reconciliation - Decreases Contract by \$5,000.00

B) Change Order No. 4 for Contract No. 2021-10 with Schindler Elevator
Corporation - Increases Contract by \$7,233.24 & 87 Calendar Day Time
Extension thru 03-30-22

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

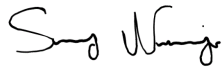
MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO
ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS
AMENDED ON JANUARY 10, 2017:

A) Amendment No. 4 to Lease (#72126) with United States of America,
General Services Administration (GSA) on Behalf of the United States
Coast Guard - Increases Reimbursable Amount by \$59,900.00

B) Amendment No. 1 to Lease (#60317) with SSD Holdings, LLC dba
Sheraton San Diego Hotel & Marina (Marina Tower) - Amends Paragraph
2(m) Related to Boat Slip Rentals and Paragraph 18 About Rules and
Regulations

C) Amendment No. 1 to Lease (#70693) with Mike Hess Brewing Co.,

LLC dba Mike Hess Co. - Amends Exhibit B, and Sections 1, 3.1, 4, 4.1,
4.2 & 4.3 Regarding Rent and Share of Operating Expenses



*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

Thursday, April 21, 2022

9:00 AM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Danielle Moore

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner Zucchet led the pledge of allegiance.

C. Public Communications.

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

D. 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 1 - File 2022-0112.

Ms. Morales then announced that since the publication of the agenda, a need for immediate Board action has arisen. Pursuant to California government code section 54954.2B, staff proposes to have the following item heard: Emergency Repair of 10-Inch Water Main at Tenth Avenue Marine Terminal.

Simon Kann, Assistant General Counsel, Office of the General Counsel, explained that the government code allows the Board to hear an item that was not on the original agenda if they approve by a two-thirds affirmative vote of the Commissioners present.

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

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted the requested docket changes. The motion carried by the

following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Danielle Moore

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

Resolution by a 4/5 Vote Ratifying and/or Authorizing the Emergency Contract with Cass Arrieta in the Not-To-Exceed Amount of \$250,000 Approved by the Executive Director for Repair of 10-Inch Water Main at Tenth Avenue Marine Terminal and Authorizing Continued Action

Ernie Medina, Chief Engineer, Engineering-Construction, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding the Emergency Action Agenda Item (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

On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-047. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Danielle Moore

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0112](#)
 - A. DISCUSS THE DRAFT FISCAL YEAR (FY) 2023 PRELIMINARY BUDGET INFORMATION AND PROVIDE DIRECTION TO STAFF
 - B. ADOPT A RESOLUTION NOT TO SOLICIT PROJECT APPLICATIONS OR HOLD A WORKSHOP FOR THE FY2019-2023 CIP PURSUANT TO BOARD POLICY NO. 120

Robert DeAngelis, Chief Financial Officer/Treasurer, Finance, joined by Joe Stuyvesant, Executive Director, Executive Office, Stephen Shafer, Principle, Economics and Policy, Government and Civic Relations, Tony Gordon, Director, Real Estate, Mike LaFleur, Vice

President, Maritime, and Job Nelson, Vice President of Strategy and Policy, Executive Office, Cid Tesoro, Vice President, Facilities and Engineering, Executive Office, addressed the Board with staff's report and presentation regarding Action Agenda Item 1 - File No. 2022-0112 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward; Danny Serrano; and Mayor Sotelo Solis were called to speak.

Chair Malcolm, Commissioner Urtasun, Commissioner Zucchet, Commissioner Castellanos, Commissioner A. Moore and Commissioner Naranjo provided comments and asked clarifying questions. Bob DeAngelis, Ken Wallis, Director, Guest Experiences - Parking, Tracey Sandberg, Chief Technology Officer, Information Technology, Mike LaFleur, Jason Giffen, Vice President, Planning and Environment, Executive Office, Cid Tesoro, Joe Stuyvesant, and Job Nelson responded.

Christine Antoine, Senior Policy Administrator, Government and Civic Relations, joined by Job Nelson, Vice President of Strategy and Policy, Executive Office and Simon Kann, Assistant General Counsel, Office of the General Counsel, then addressed the Board regarding the Maritime Industrial Impact Fund (MIIF) (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 MIIF related comments: None.

Commissioner Castellanos, Commissioner Zucchet, Commissioner Urtasun, Commissioner A. Moore, Commissioner Naranjo and Chair Malcolm provided comments. Job Nelson and Joe Stuyvesant responded.

Commissioner Urtasun, made a motion to: accept the Fiscal Year 2023 Preliminary Budget; adopt a resolution not to solicit project applications or hold a workshop for the FY2019-2023 CIP Pursuant to Board Policy No. 120; consider conducting a CIP Project Determination meeting in the fall for the next 5-Year FY 2024-2028 CIP. Commissioner Zucchet made a friendly Amendment on the third item to change "Consider conducting" to "Conduct a CIP Project Determination meeting for 2024-2028". Commissioner Urtasun accepted the friendly Amendment. Commissioner Zucchet seconded the motion, the Board thereby adopted Resolution 2022-048. The motion carried by the following vote:

Yeas: 5 - Dan Malcolm, Ann Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 2 - Rafael Castellanos, and Danielle Moore

Absent: 0

Abstain: 0

Recused: 0

CLOSED SESSION

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

1. [2022-0129](#) Closed Session Item No. 1

THREAT TO PUBLIC SERVICES OR FACILITIES
Government Code Section 54957

Consultation with Acting Chief of San Diego Harbor Police Department -
SDUPD

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

Special Meeting Minutes

Board of Port Commissioners

Tuesday, May 10, 2022

12:00 PM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Commissioner A. Moore was excused until she arrived.

Officers Present: 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. [2022-0153](#) Closed Session Item No. 1

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

One (1) case

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, May 10, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner Naranjo led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the item 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: Alexander Fernandez.

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Castellanos shared that he participated in a panel discussion regarding Barrio Logan at the Urban Land Institute conference on April 21, 2022. Commissioner Castellanos said the panel discussed the revitalization of the community and announced that Barrio Logan just passed a community plan update after having one adopted in 2014. They also discussed the relationship between the community and the working waterfront, the importance of all stakeholders to participate in the community's future and land use planning that is fair from an environmental justice standpoint, as well as preserve and protect working waterfront maritime jobs.

Commissioner Urtasun reported that he attended the Seatrade conference in Miami April 25 -28, 2022. The conference had over 500 exhibitors and 10,000 attendees from 110 countries. Commissioner Urtasun shared that during the conference he had the opportunity to interview with Cruise Line International Association to promote the Port as a leader in shore power and electrification, and had the opportunity to tour the Port of Miami cruise and cargo facilities. Commissioner Urtasun said the cruise industry gave forecasts that things are looking good for the industry and also shared that the Port of San Diego is expecting somewhere between 100 and 130 cruise calls over the next cruise season. Chairman Malcolm thanked Commissioner Urtasun for taking one of the first trips since the pandemic and stated that it is critical that the Port meet with our customers and push the city as a destination due to the importance of cruises and the economic benefit to San Diego.

Commissioner Naranjo, as the Port's representative of the SANDAG Transportation Committee, provided a status update on the Otay Mesa II Port of Entry Project. Commissioner Naranjo shared that the binational project will provide 10 new lanes for cross border passenger vehicle and commercial truck traffic which will boost commercial activity with Mexico and compliment the Port's Maritime Clean Air Strategy by cutting wait times in half at the existing border crossings, drastically reducing air pollution. Commissioner Naranjo explained that the Otay Mesa crossing is a collaboration between SANDAG, Caltrans, and the federal governments of Mexico and the United States, and said that more than \$580M has been spent on site preparation work and on the construction of State Route 11, which will have a toll facility leading to and from the new border crossing. Commissioner Naranjo also shared that an estimated \$500M more will be needed to complete the project and added that federal and state funds are being sought and bond financing is expected to be another funding source. Construction is expected to start next year with the completion scheduled for 2024.

Commissioner Naranjo then provided a report on the April 26, 2022, AB 617 Portside Steering Committee where they reviewed preliminary air monitoring data, received an update on AB 617 incentive funding and received a presentation from Port staff on the Port's draft Zero Emission Truck Transition Plan.

Commissioner Naranjo then shared that the Port is in the final stretches of community engagement for the redesign of Pepper Park. Commissioner Naranjo announced that the Port is seeking feedback on what improvements to build by summer 2024 with the current available budget which includes \$3.85M in federal stimulus funds. Commissioner Naranjo announced that during the last design workshop, Austal USA presented a surprise check to the community, in the amount of \$250K for Pepper Park redesign.

G. Special Recognition

Shirley Parsons, Manager, Diversity, Equity and Inclusion, provided an overview of Asian American & Pacific Islander (AAPI) Heritage Month and explained that May was chosen as it coincides with several historical milestones. Ms. Parsons also shared ways to commemorate AAPI in San Diego.

Joel Valenzuela, Director, Maritime, announced the Port was celebrating National Maritime Day and Maritime Month by recognizing working waterfront employees and showcasing the many benefits of the maritime industry. Mr. Valenzuela shared videos of Sophie Silvestri, Manager of Government Affairs and Business Development, Pasha Automotive Services, and Jorge Hernandez, Truck Driver, which spotlight the diversity, resilience and importance of the maritime workforce.

H. President's Report.

Joe Stuyvesant, President/CEO shared that Kirk Nichols, has retired as the vice president of public safety and Chief of Harbor Police. Mr. Stuyvesant gave an overview of Chief Nichols career, shared his achievements and thanked him for his dedicated service, leadership and selflessness in protecting and serving the public for over 27 years.

Mr. Stuyvesant also announced that Karen Porteous, Executive Vice President and Chief of Staff, will be retiring in June after 27 years with the Port. Mr. Stuyvesant highlighted Karen's talents and significant contributions throughout her career. Chairman Malcolm, Commissioner Zucchet, Commissioner Urtasun, Commissioner Castellanos, and Commissioner A. Moore provided comments and congratulations.

Mr. Stuyvesant then announced that Acting Chief of Harbor Police, Magda Fernandez, has been promoted to Chief of Harbor Police. Mr. Stuyvesant shared that Chief Fernandez has over 21 years of law enforcement experience and spoke about her impressive resume.

Mr. Stuyvesant also announced that Anthony "Tony" Evangelista will join the Port as our new Chief of Staff and that his first day will be May 16, 2022.

Mr. Stuyvesant then reported that the Recovery Act Funding is larger than the Port initially anticipated and the Port will receive approximately \$108M from the State Lands Commission. Mr. Stuyvesant announced that the plan is to update the Board in August on the current procurement of the stimulus money and receive Board direction on the additional funds.

I. 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 10 - File 2022-0155; and Item 11 - File 2022-0148.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2022-0146; and Item 14 - File 2022-0141.

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

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0150](#) Approval of minutes for:

April 12, 2022 - CLOSED SESSION

April 12, 2022 - BPC MEETING

April 21, 2022 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Castellanos, the Board approved the April 2022 minutes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner Urtasun recused himself from Item 9 - File 2022-0154 due to a conflict of interest resulting from ownership of stock in Sempra Energy and due to a previous business relationship with RIDA, and did not participate. Commissioner Urtasun also recused himself from Item No. 10 - File 2022-0155 due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Items 2 - 8; Resolution 2022-049; Resolution 2022-050; Resolution 2022-051; Resolution 2022-052; Resolution 2022-053; Resolution 2022-054; and Resolution 2022-055. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0146](#) ORDINANCE GRANTING A THIRTY (30) YEAR EASEMENT TO POSEIDON RESOURCES (CHANNELSIDE) LP FOR A BERM BREACH FOR THE OTAY RIVER ESTUARY RESTORATION PROJECT ADJACENT THE SAN DIEGO BAY NATIONAL WILDLIFE REFUGE IN

SOUTH SAN DIEGO BAY

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. [2021-0435](#) RESOLUTION SELECTING AND AUTHORIZING FIVE-YEAR AGREEMENTS WITH AVRP STUDIOS; BUREAU VERITAS NORTH AMERICA, INC.; CALIFORNIA COASTAL WORKS, LLC; DLR GROUP, INC.; DUDEK; EYESTONE-JONES ENVIRONMENTAL, LLC; HDR ENGINEERING, INC.; MOORE IACOFANO GOLTSMAN, INC.; AND ZENITH CONSULTANTS FOR AS-NEEDED DEVELOPMENT SERVICES CONSULTING SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$900,000 BEGINNING ON JULY 1, 2022 AND ENDING JUNE 30, 2027. FUNDS REQUIRED FOR FISCAL YEAR 2023 AND FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR BUDGET.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-049 as part of the Consent agenda.

3. [2022-0064](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH GLEN A. RICK ENGINEERING & DEVELOPMENT CORPORATION, TETRA TECH, INCORPORATED, D-MAX ENGINEERING, INCORPORATED, AND FMF PANDION FOR AS-NEEDED STORMWATER CONSULTING SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$2,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR THIS FISCAL YEAR ARE BUDGETED, ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-050 as part of the Consent agenda.

4. [2022-0071](#) RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 15-21, 2022

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-051 as part of the Consent agenda.

5. [2022-0103](#) SEAPORT VILLAGE:

RESOLUTION CONSENTING TO ASSIGNMENT OF LEASE FROM SKUBIC ENTERPRISES, LLC DBA OLD HARBOR DISTILLING COMPANY TO OLD HARBOR SEAPORT VILLAGE, LLC LOCATED AT 809 W. HARBOR DRIVE, SUITE E4-A IN SAN DIEGO

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-052 as part of the Consent agenda.

6. [2022-0104](#) RESOLUTION AUTHORIZING AGREEMENTS WITH TWELVE ENVIRONMENTAL EDUCATION PROGRAMS TO EDUCATE AN ESTIMATED 75,000 STUDENTS ON POLLUTION PREVENTION AND NATURAL RESOURCES WITHIN THE SAN DIEGO BAY WATERSHED IN THE TOTAL AMOUNT OF \$850,000 OVER THREE YEARS WITH THE FOLLOWING ORGANIZATIONS AND AMOUNTS, WITH FUNDING PROVIDED FROM THE ENVIRONMENTAL FUND:
- A) CHULA VISTA ELEMENTARY SCHOOL DISTRICT, \$47,200;
 - B) I LOVE A CLEAN SAN DIEGO, \$74,000;
 - C) LIVING COAST DISCOVERY CENTER, \$150,000;
 - D) MARITIME MUSEUM ASSOCIATION OF SAN DIEGO, \$43,500;
 - E) NATIONAL SCHOOL DISTRICT, \$55,550;
 - F) OCEAN DISCOVERY INSTITUTE, \$85,000;
 - G) OUTDOOR OUTREACH, \$42,000;
 - H) RESOURCE CONSERVATION DISTRICT OF GREATER SAN DIEGO COUNTY, \$42,000;
 - I) SAN DIEGO AUDUBON SOCIETY, \$30,250;
 - J) SAN DIEGO COASTKEEPER, \$65,000;
 - K) THE OCEAN FOUNDATION, \$150,000; AND
 - L) ZOOLOGICAL SOCIETY OF SAN DIEGO DBA SAN DIEGO ZOO WILDLIFE ALLIANCE, \$65,000
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-053 as part of the Consent agenda.**
7. [2022-0111](#) RESOLUTION WAIVING BPC POLICY NO. 110 AND AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT NO. 126-2018VM WITH THE LIVING COAST DISCOVERY CENTER (LCDC) FOR THE ENDANGERED RIDGWAY'S RAIL PROPAGATION PROGRAM, INCREASING THE MAXIMUM EXPENDITURE TO THE AGREEMENT BY \$100,000 FOR A NEW AMOUNT NOT TO EXCEED \$180,000, AND EXTENDING THE AGREEMENT FOR FIVE YEARS THROUGH JUNE 30, 2027, WITH \$280,000 IN MATCHING FUNDS FROM LCDC
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-054 as part of the Consent agenda.**
8. [2022-0134](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361
- On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-055 as part of the Consent agenda.**
9. [2022-0154](#) ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL FACILITIES IN CONNECTION WITH THE

IMPLEMENTATION OF THE CHULA VISTA BAY FRONT PROJECT IN THE CITY OF CHULA VISTA, CALIFORNIA

Commissioner Urtasun was recused from Item 9 - File 2022-0154, due to a conflict of interest resulting from ownership of stock in Sempra Energy and due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3042 as part of the Consent agenda.

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

- 10.** [2022-0155](#) RESOLUTION APPROVING DECLARATION OF RECIPROCAL EASEMENTS AMONG THE SAN DIEGO UNIFIED PORT DISTRICT, RIDA CHULA VISTA, LLC, CITY OF CHULA VISTA, AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY IN CONNECTION WITH THE CONSTRUCTION OF THE RESORT HOTEL, PARKING IMPROVEMENTS, CONVENTION CENTER, AND PUBLIC IMPROVEMENTS ON THE CHULA VISTA BAYFRONT IN THE CITY OF CHULA VISTA

Commissioner Urtasun was recused from Item No. 10 - File 2022-0155 due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-056 as part of the Consent agenda.

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

ACTION AGENDA

- 11.** [2022-0148](#) CHULA VISTA BAYFRONT

A. ORDINANCE EXTENDING ADMINISTRATIVE APPROVAL UNTIL

JUNE 1, 2027 FOR SUBSTANTIALLY THE FORM OF A NON-EXCLUSIVE EASEMENT TO THE CITY OF CHULA VISTA (CITY) FOR STREET, UTILITY AND SEWER PURPOSES LOCATED IN THE CITY OF CHULA VISTA AND MODIFIEING THE 40 YEAR TERM TO UP TO 66 YEARS, WITH CONDITIONS

B. ORDINANCE AUTHORIZING EXECUTIVE DIRECTOR AND HIS DESIGNATED REPRESENTATIVE TO EXECUTE, DELIVER, AND RECORD AN EXTENSION NOTICE TO EXTEND THE TERM OF THE DECLARATION OF RECIPROCAL EASEMENTS AMONG THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT), RIDA CHULA VISTA, LLC (RIDA), CITY, AND THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY (AUTHORITY) FOR A NEW TOTAL TERM OF SIXTY-SIX (66) YEARS

C. RESOLUTION APPROVING THE FOLLOWING ITEMS IN CONNECTION WITH THE CONSTRUCTION OF THE RESORT HOTEL, CONVENTION CENTER, AND PUBLIC IMPROVEMENTS ON THE CHULA VISTA BAYFRONT IN THE CITY OF CHULA VISTA:

1. CONVENTION CENTER AGREEMENT AMONG THE DISTRICT, THE AUTHORITY, THE CITY, AND MARRIOTT INTERNATIONAL, INC. FOR THE CONVENTION CENTER, WITH CONDITIONS
2. SECOND AMENDMENT TO THE HOTEL MANAGEMENT AGREEMENT BETWEEN MARRIOT INTERNATIONAL, INC. AND RIDA
3. FOURTH AMENDED AND RESTATED REVENUE SHARING AGREEMENT AMONG THE DISTRICT, CITY, AND AUTHORITY, WITH CONDITIONS
4. TERMINATION OF THE AMENDED AND RESTATED CHULA VISTA BAYFRONT MASTER PLAN FINANCING AGREEMENT BETWEEN THE DISTRICT AND CITY
5. AN INDEMNITY FROM THE DISTRICT IN FAVOR OF CHICAGO TITLE INSURANCE COMPANY TO BE CONTAINED IN AN OWNER'S DECLARATION FROM THE DISTRICT IN CONNECTION WITH THE TITLE INSURANCE POLICY TO BE ISSUED TO RIDA

D. RESOLUTION CONSENTING TO (1) A MORTGAGE LOAN OF UP TO \$685 MILLION IN FAVOR OF WELLS FARGO BANK, NATIONAL ASSOCIATION AND OTHER LENDERS (MORTGAGE LOAN) AND IN CONNECTION WITH THE MORTGAGE LOAN, THE ENCUMBRANCE OF RIDA'S LEASEHOLD ESTATE BY A LIEN OF A CONSTRUCTION DEED OF TRUST, WITH ABSOLUTE ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING; AND (2) A MEZZANINE LOAN OF UP TO \$90 MILLION IN FAVOR OF MARRIOTT INTERNATIONAL CAPITAL CORPORATION (MEZZANINE LOAN) AND

IN CONNECTION WITH THE MEZZANINE LOAN, ENCUMBRANCE OF THE OWNERSHIP INTEREST IN RIDA BY A LIEN OF A PLEDGE AND SECURITY, WITH CONDITIONS

E. RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DEVELOPER PHASE 1A IMPROVEMENTS TO BE LOCATED IN THE CITY OF CHULA VISTA

F. RESOLUTION APPROVING A BUDGET TRANSFER INCREASING THE FY 2022 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATIONS BY \$6.5 MILLION BY TRANSFERRING FROM THE PERSONNEL EXPENSE BUDGET APPROPRIATIONS FOR THE CHULA VISTA BAYFRONT ADDITIONAL CONTRIBUTION

Commissioner Urtasun was recused from Item No. 11 - File 2022-0148 due to a previous business relationship with RIDA, and did not participate.

Adam Meyer, Assistant Director, Real Estate, along with Elizabeth Alonso, Senior Deputy General Counsel, Office of the General Counsel, Mark McIntire, Capitol Project Manager, Engineering-Construction, and Bob DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2022-0148 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Mary Casillas-Salas, Mayor, City of Chula Vista; Ira Mitzner, RIDA.

Commissioner A. Moore, Commissioner Castellanos, Commissioner Zucchet, and Chairman Malcolm provided comments.

On a motion by Commissioner A. Moore, seconded by Chairman Malcolm, the Board adopted Ordinance 3043, Ordinance 3044, Resolution 2022-057, Resolution 2022-058, Resolution 2022-059, and Resolution 2022-060. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

- 12.** [2022-0090](#) RESOLUTION ADOPTING THE FY 2023 PRELIMINARY BUDGET AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS JUNE 14, 2022

Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2022-0090 (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, Commissioner Zucchet, Commissioner Urtasun, Commissioner Castellanos, Chairman Malcolm and Commissioner D. Moore provided comments and asked clarifying questions. Karen Porteous, Executive Vice President, Joe Stuyvesant, President/CEO, Robert DeAngelis, and Job Nelson, Vice President, Strategy and Policy, responded.

Commissioner Naranjo made a motion to approve the preliminary budget and restore the intern program back to \$900K, Commissioner Zucchet seconded the motion, the Board thereby adopted Resolution 2022-061. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

- 13.** [2022-0133](#) BARGE-BASED EMISSIONS CONTROL AND CAPTURE SYSTEM TO COMPLY WITH CARB REGULATIONS AND REDUCE EMISSIONS FROM REGULATED NON-SHORE POWERED CAPABLE VESSELS AT BERTH

A. RESOLUTION APPROVING A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT WITH CLEAN AIR ENGINEERING - MARITIME, INC. TO DESIGN, BUILD, AND OPERATE A BARGE-BASED EMISSIONS CONTROL AND CAPTURE SYSTEM TO COMPLY WITH CARB REGULATIONS AND REDUCE EMISSIONS FROM REGULATED NON-SHORE POWERED CAPABLE VESSELS AT BERTH FOR APPROXIMATELY \$11.5 MILLION-PLUS DELIVERY COSTS AND SALES TAX, WITH \$4.9 MILLION GRANT-FUNDED FROM THE CALIFORNIA TRANSPORTATION COMMISSION AND THE REMAINDER TO BE FINANCED BY CLEAN AIR ENGINEERING - MARITIME, INC. AND REPAID SOLELY THROUGH DISTRICT'S REVENUE SHARE FROM OPERATION OF THE EMISSIONS CONTROL AND CAPTURE SYSTEM

B. ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET ADDING \$900,000 TO THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FROM CURRENT YEAR SURPLUS

Mike LaFleur, Vice President, Maritime, joined by Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2022-0133 (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: Teresa Bui, Pacific Environment; Nicholas Tonsich, Clean Air Engineering; and Hannah Walter, California Transportation Commission.

Commissioner Naranjo, Commissioner Zucchet, Commissioner Urtasun, and Chairman Malcolm provided comments and asked clarifying questions. Mike LaFleur responded.

On a motion for A & B by Commissioner Zucchet, seconded by Commissioner D. Moore, the Board adopted Resolution 2022-062 and Ordinance 3045. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

14. [2022-0141](#) UPDATE ON THE MUNICIPAL SERVICES AGREEMENTS FOR FISCAL YEAR 2023 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.

15. [2022-0060](#) PRESENTATION ON FINDINGS FROM THE DISTRICT'S STUDY ON THE PRICE ELASTICITY OF DEMAND FOR MARITIME FACILITIES AT THE TENTH AVENUE MARINE TERMINAL AND NATIONAL CITY MARINE TERMINAL AND DIRECTION TO STAFF

Stephen Shafer, Principle, Economics and Policy, Government and Civic Relations, along with Lou Wolinetz, Aviation & Maritime Finance Lead, Williams Sale Partnership (WSP), Professor Rob Leachman, UC Berkeley, and Dr. Sebastian Guerrero, Senior Lead Consultant, Freight & Logistics Advisory Group, WSP, addressed the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2022-0060 (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: Sarah Marsh, Dole Fresh Fruit; Sophie Silvestri, Pasha Automotive Services; Sharon Cloward, San Diego Working Waterfront; Anthony Soniga, ILWU Local 29; and Diane Takvorian, Environmental Health Coalition.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Chairman Malcolm, and Commissioner Zucchet provided comments and asked clarifying questions. Stephen Shafer, Mike LaFleur, Vice President, Maritime, and Joe Stuyvesant, President/CEO, responded.

PUBLIC HEARING AGENDA

16. [2022-0109](#) AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, AND UPDATE FORMAT AND LANGUAGE

A. RESOLUTION FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES

B. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE

Joel Valenzuela, Director, Maritime, with Adam Deaton, Senior Trade Account Representative, Maritime, and Mike LaFleur, Vice President, Maritime, addressed the Board with staff's report and presentation regarding Action Agenda Item 16 - File No. 2022-0109 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: None

Chairman Malcolm closed the Public Hearing.

Commissioner Zucchet and Chairman Malcolm provided comments and asked clarifying questions. Adam Deaton, Joel Valenzuela, and Simon Kann, Assistant General Counsel, Office of the General Counsel, responded.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-063, and Ordinance 3046. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

17. [2021-0437](#) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) FOR A TERM OF FIVE (5) YEARS

Wileen Manaois, Director, Development Services, along with Yvonne Wise, Director, Parks and Recreation, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, and Rip Rippetoe, San Diego Convention Center Corporation, addressed the Board with staff's report and presentation regarding Action Agenda Item 17 - File No. 2021-0437 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: None

Chairman Malcolm closed the Public Hearing.

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-064. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA CONTINUED

18. [2022-0022](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JUNE 14, 2022 MEETING

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

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

19. [2022-0140](#) OFFICER'S REPORT

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

A) Change Order No. 02 to Contract No. 2021-03 with 24 Hour Elevator,
Inc. - Reconciliation - Decreases Contract by \$1,595.00 & 65 Calendar
Day Time Extension thru 03-11-22

B) Change Order No. 01 to Contract No. 2022-09 with The Glass
Company, Inc. dba C&C Glass - 31 Calendar Day Time Extension thru 05-
31-22

C) Change Order No. 01 to Contract No. 2022-02 with South Bay Fence,
Inc. - 63 Calendar Day Time Extension thru 06-20-22

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 IQHQ-RADD I, LLC for
IQHQ-Research and Development District Project, for total amount
\$2,516.00

B) Request for User Fee Waiver Form from Scott Street Parking, Inc.,
United Sportfishers of San Diego, Inc., Fisherman's Landing Corporation,
Point Loma Sportfishing Association of San Diego, Inc., and Point Loma
Marina for North Harbor Drive Parking Lots Conversion, for total amount
\$21,500.00

C) Request for User Fee Waiver Form from Regents of the University of
California - Scripps Institute of Oceanography for 2022-019 Right of Entry
Permit to Scripps Institute of Oceanography for Sediment Sampling Across
San Diego Bay, 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:

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 1998 Convention Center Management Agreement
(#37944) with City of San Diego - Amends Lease to Remove Rooftop
Tennis Courts



*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, June 14, 2022

10:30 AM

Don L. Nay Port Administration Boardroom

Closed Session - Revised Agenda

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Officers Present: 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. [2022-0188](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 105 acres of land and water located in the City of San Diego situated between downtown and the Bay in the District's Central Embarcadero area and bordered by the USS Midway Museum and Harbor Drive to the north, Manchester Grand Hyatt and Kettner Boulevard to the east, and San Diego Bay to the south and west

Negotiating Parties:

1HWY1, LLC - Yehudi Gaffen

SDUPD - Joe Stuyvesant, Adam Meyer, Anthony Gordon, James Hammel, Alexa Paulus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

2. [2022-0189](#)

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. [2022-0191](#)

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. [2022-0192](#)

Closed Session Item No. 4

PERSONNEL EVALUATION:
GENERAL COUNSEL
Government Code Section 54957


No reportable action was taken on this item.

5. [2022-0193](#)

Closed Session Item No. 5

PERSONNEL EVALUATION:
PORT AUDITOR
Government Code Section 54957

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, June 14, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Ann Moore

Absent: 0

Recused: 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. Mr. Russell then announced that the Board will continue consideration of items 3, 4 and 5 at the conclusion of the meeting.

D. Public Communications.

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

E. Board Committee Reports.

Commissioner Castellanos shared that on June 8th, 2022, the Environmental Advisory Committee (EAC) held its second meeting of the year. The committee received updates on the following topics: Blue Economy Incubator; Green Marine Program Biennial Certification; and Coastal Resiliency Strategy. Commissioner Castellanos said the next EAC meeting is planned for September 14th, 2022. Aquaculture & Blue Carbon, Natural Resource surveys and monitoring, and Environmental Education program and school partnerships will be discussed.

F. Commissioners' Reports.

Chairman Malcolm announced that he was invited to attend a cross border forum sponsored by the South County Economic Development Council on June 1, 2022. Chair Malcolm explained that he was unable to attend but staff attended in his place. Chair Malcolm provided an update on U.S. and Mexico Economic Forecast and the Otay Mesa East Port of Entry.

Commissioner Naranjo provided an update on the Bayshore Bikeway Working Group meeting held on May 11, 2022. Commissioner Naranjo shared that 1HWY1, presented their vision for the section of the Bayshore Bikeway that crosses the Central Embarcadero. Commissioner Naranjo also provided a report on the City of Imperial Beach Bayshore Bikeway Resiliency Project. Commissioner Naranjo announced that the Bayshore Bikeway Working group will be dissolved as of July 1, 2022 and their activities moved to the newly created Mobility Working Group who will advise San Diego Association of Governments (SANDAG) Transportation Committee.

Commissioner Naranjo then provided a report on the Implementation Subcommittee meeting held on May 12, 2022, in which Port staff presented results from its updated Health Risk Assessment, along with staff from the California Air Resources Board presented their Regional Air Toxics Risk Modeling. Commissioner Naranjo also reported that these results were shared at the AB 617 Steering Committee meeting on May 24, 2022. Commissioner Naranjo added that, Letty Ayala from the Environmental Health Coalition provided a status update on Air Pollution Control District (APCD) Residential Air Filtration Program.

Commissioner Naranjo announced that she attended the Association of Government's Transportation Committee meeting on June 3, 2022, and provided a report on the region's recovery from the financial impacts of the COVID-19 pandemic for the Metropolitan Transit System and North County Transit District.

Commissioner Naranjo also reported that she represented the Port at the Breakbulk Europe 2022 conference hosted by the Port of Rotterdam in the Netherlands and was able to network with many experts across the globe. Commissioner Naranjo shared that she was officially invited to become a member of the editorial board of the African Port Hub Magazine.

Lastly, Commissioner Naranjo announced that she participated in the San Diego Association of Governments (SANDAG) Board of Directors Retreat on May 26, 2022. Commissioner Naranjo explained that the workshop focused on the future vision of SANDAG.

G. Special Recognition

Shirley Parsons, Manager, Diversity, Equity and Inclusion, announced that during the month of June, Pride Month will be celebrated and Port representatives will be joining the LGBTQI+ Community in the San Diego Pride Parade on July 16th. Ms. Parsons also announced that the Port is celebrating Juneteenth, the oldest African American celebrated commemoration of the ending of slavery in our country, which officially became a Federal Holiday in June of 2021.

Mike LaFleur, Vice President, Maritime, reported that on June 2, 2022, at the Industrial Environmental Association annual conference, the Port and BAE Systems were recognized for their partnership and Low Carbon Fuel Standard (LCFS) program with an

Environmental Excellence Award. Mr. LaFleur stated that San Diego Sport Fishing Association also received an Environmental Excellence Award for their work with the California Air Resources Board with a recently adopted commercial harbor craft regulation.

H. President's Report.

Joe Stuyvesant, President/CEO provided an update on the first 6 months of the Economic Recovery Program and stated that the Port is working hard with the California Association of Port Authorities and supporters in the legislature to ensure priorities are heard during this important process.

Mr. Stuyvesant provided a report regarding additional funding for landscaping maintenance that the Board authorized earlier in the fiscal year. Mr. Stuyvesant shared the following progress that has been made: North Harbor Drive medians and the Coast Guard areas have been cleaned up; Tidelands Avenue in National City is in the process of being cleaned up; and trimming and skirting of approximately 620 palm trees around Tidelands has been completed.

Mr. Stuyvesant then announced that on May 25, 2022, the Port hosted the Dutch Consulate General from San Francisco discussing topics related to innovation, sustainability, smart cities and urban and green mobility. Mr. Stuyvesant stated that the Port welcomes this opportunity to partner with the Netherlands and staff is exploring ways to further collaborate.

Mr. Stuyvesant also provided a report on the Builders Initiative Annual Retreat Boat Tour. Mr. Stuyvesant explained that the Builders Initiative is part of the Walton Family Personal Philanthropic Group, a new, local foundation focused on climate resilience, shellfish and seaweed aquaculture, and sustainable fisheries. The Port partnered with them last year to support both the Chula Vista Native Oyster Living Shoreline Project and the Shellfish and Seaweed Aquaculture planning initiatives.

Lastly, Mr. Stuyvesant shared that Global Traveler announced that the Port of San Diego was selected as the Best Cruise Port in the World.

I. 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 1 - File 2022-0096; and Item 14 - 2022-0147.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 3 - File 2022-0174; Item 4 - File 2022-0170; Item 15 - File 2022-0183; and Item 16 - File 2022-0172.

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted the requested docket changes. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0186](#) Approval of minutes for:

May 10, 2022 - CLOSED SESSION

May 10, 2022 - BPC MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board approved the May 2022 minutes. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner Castellanos recused himself from Item 2 - File 2022-0132 due to a relationship one of his law partners has with one of the involved parties, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Items 1 and 3 - 11; Resolution 2022-065; Resolution 2022-066; Resolution 2022-068; Ordinance 3047; Resolution 2022-069; Ordinance 3048; Resolution 2022-070; Resolution 2022-071; Ordinance 3049 and Resolution 2022-072. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0096](#) WONDERFRONT MUSIC & ARTS FESTIVAL
 - A. RESOLUTION AUTHORIZING AN AGREEMENT WITH WONDERLUST EVENTS, LLC FOR SUPPORT OF THE WONDERFRONT FESTIVAL DURING NOVEMBER 2022 IN AN AMOUNT NOT TO EXCEED \$100,000 IN FUNDING AND UP TO \$100,000 OF IN-KIND DISTRICT SERVICES; FY 2022 EXPENDITURES ARE BUDGETED.
 - B. RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO WONDERLUST EVENTS, LLC FOR THE WONDERFRONT FESTIVAL FOR A TERM OF THREE (3) YEARS

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-065; and 2022-066 as part of the Consent agenda.
2. [2022-0132](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH KTU+A AND AMENDMENT NO. 3 TO THE AGREEMENT WITH SCHMIDT DESIGN GROUP, INC. FOR AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$500,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AGGREGATE AMOUNT OF \$1,300,000 AND, FURTHER, AMENDMENT NO. 3 TO SCHMIDT DESIGN GROUP ALSO EXTENDS THAT CONTRACT THROUGH JUNE 30, 2024. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2022 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.

Commissioner Castellanos was recused from Item 2 - File 2022-0132, due to a relationship one of his law partners has with one of the involved parties, and did not participate.

On a motion by Commissioner Urtasun, seconded by Commissioner D. Moore, the Board adopted Resolution 2022-067 as part of the Consent agenda.

Yeas: 5 - Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 1 - Rafael Castellanos

3. [2022-0174](#) RESOLUTION AUTHORIZING A SOLE SOURCE AGREEMENT WITH WATTS MARINE INC. FOR THE PERIOD OF JULY 1, 2022 TO JUNE 30, 2025 TO PROVIDE CRUISE SHIP SHORE POWER CONNECTION, COMMISSIONING, AND MAINTENANCE SERVICES SUPPORTING THE PROPRIETARY SHORE POWER SYSTEM AT B STREET AND BROADWAY PIERS, IN COMPLIANCE WITH CALIFORNIA AIR RESOURCES BOARD AT-BERTH REGULATIONS, IN AN AMOUNT NOT TO EXCEED \$1,750,000. FUNDS REQUIRED 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.

4. [2022-0170](#) RESOLUTION AUTHORIZING AMENDMENT NUMBER X TO AGREEMENT WITH EXCELERATE, LLC FOR AS NEEDED PROJECT MANAGEMENT OFFICE (PMO) SERVICES IN AN AMOUNT OF \$XXX FOR A NEW NOT TO EXCEED AMOUNT OF \$XXX. FUNDS FOR FY23 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE BUDGET. FUNDS 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.

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

This item was continued to a future Board meeting.

5. [2022-0143](#) RESOLUTION AUTHORIZING AGREEMENTS WITH TIERRA DATA, INC; OKAPI ENVIRONMENTAL GROUP, INC. DBA PANGAEA BIOLOGICAL; ENVIRONMENTAL SCIENCE ASSOCIATES; ICF JONES & STOKES, INC; CHAMBERS GROUP; AND DUDEK TO PROVIDE AS-NEEDED NATURAL RESOURCES MANAGEMENT SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$300,000 FOR A PERIOD OF THREE YEARS. 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 2022-068 as part of the Consent agenda.

6. [2022-0128](#) ORDINANCE AMENDING SALARY ORDINANCE NO. 3019 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 2022/2023

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3047; and Resolution 2022-069 as part of the Consent agenda.

7. [2022-0164](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 4, SECTION 4.37 - REGULATION OF CHARTER VESSEL OPERATIONS IN SAN DIEGO BAY AND DISTRICT TIDELANDS, REMOVING APPLICABILITY TO KAYAKS, CANOES, AND PADDLEBOARDS

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3048 as part of the Consent agenda.

8. [2022-0166](#) 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 JULY 1, 2022 THROUGH DECEMBER 31, 2027
- On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-070 as part of the Consent agenda.
9. [2022-0168](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH CHARGEPOINT, INC. FOR THE PURCHASE AND INSTALLATION OF TWELVE (12) ELECTRIC VEHICLE CHARGING STATIONS IN AN AMOUNT NOT TO EXCEED \$280,000.00. 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 WITH \$146,418.00 BEING REIMBURSED BY THE CALIFORNIA ENERGY COMMISSION, ENERGY INFRASTRUCTURE INCENTIVES FOR ZERO EMISSION VEHICLE INFRASTRUCTURE PROGRAM (ENERGIIZE) GRANT.
- On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-071 as part of the Consent agenda.
10. [2020-0410](#) ORDINANCE GRANTING A THIRTY (30) YEAR EASEMENT TO POSEIDON RESOURCES (CHANNELSIDE) LP FOR ENVIRONMENTAL MITIGATION PURPOSES IN CONNECTION WITH THE OTAY RIVER ESTUARY RESTORATION PROJECT ADJACENT TO THE SAN DIEGO BAY NATIONAL WILDLIFE REFUGE IN SOUTH SAN DIEGO BAY
- On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Ordinance 3049 as part of the Consent agenda.
11. [2022-0184](#) 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 2022-072 as part of the Consent agenda.

PUBLIC HEARING AGENDA**12. [2022-0091](#) CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE
ADOPTING THE FISCAL YEAR 2023 FINAL BUDGET**

Robert DeAngelis, Chief Financial Officer/Treasurer, Financial Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2022-0091 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing. The following member(s) of the public addressed the Board with agenda-related comments: None

Chairman Malcolm closed the Public Hearing.

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted Ordinance 3050. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA**13. [2022-0176](#) PRESENTATION ON THE UPDATED DRAFT HEALTH RISK
ASSESSMENT FOCUSING ON DIESEL PARTICULATE MATTER
EMISSIONS AT THE DISTRICT'S MARINE CARGO TERMINALS**

Larry Hofreiter, Program Director, Planning, joined by Peter Eichar, Senior Environmental Specialist, Planning, Jason Giffen, Vice President, Planning and Environment, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel and consultants, Matt McFalls and Blake Barroso, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2022-0176 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, San Diego Working Waterfront; and Domingo Vigil, San Diego County Air Pollution Control District.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Zucchet, Chairman Malcolm, Commissioner Castellanos and Commissioner D. Moore provided comments and asked clarifying questions. Larry Hofreiter, and Jason Giffen, responded.

14. [2022-0147](#) PRESENTATION ON THE DRAFT FINAL HEAVY DUTY ZERO EMISSION TRUCK TRANSITION PLAN PURSUANT TO TRUCK OBJECTIVE 1A OF THE MARITIME CLEAN AIR STRATEGY AND DIRECTION TO STAFF

Phil Gibbons, Program Director, Planning, joined by, Jason Giffen, Vice President, Planning and Environment, Maggie Weber, Program Director, Government and Civic Relations; Simon Kann, Assistant General Counsel, Office of the General Counsel and consultants from WSP, Ryan Whipple, Pete Ruscitti, and Tamara Mahadi, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2022-0147 (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: Carter Watt, Wattrans; Diane Takvorian, Environmental Health Coalition; David Noriega, Four Seasons Fresh Transport; Eleanor Leshner, National Resources Defense Council; Jeff Hoyos, San Diego Association of Governments; Jon McElroy, Pasha Distribution Services; Leona Rios, San Diego Gas and Electric; Pasha (last name inaudible); Mike Hilburn, Fairchild Freight; Matt Schrap, Harbor Trucking Association; Frank Plant, Harborside Refrigerated Services; Sharon Cloward, San Diego Working Waterfront; Sarah Marsh, Dole Fresh Fruit; Sophie Silvestri, Pasha Automotive Services; Valerie Martinez, Mitsubishi Cement Corporation (with time ceded by Maya Tahlilramani, San Diego Refrigerated Services).

Commissioner Naranjo, Commissioner Castellanos, Commissioner Zucchet, Commissioner Urtasun, and Chairman Malcolm, provided comments and asked clarifying questions. Phil Gibbons, and Joe Stuyvesant, President/CEO, responded.

15. [2022-0183](#) MUNICIPAL SERVICES AGREEMENTS:
(A) RESOLUTION AUTHORIZING AN 8-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CORONADO FOR LAW ENFORCEMENT, FIRE AND EMERGENCY SERVICES ON NON AD-VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO
(B) RESOLUTION AUTHORIZING A BASELINE RATE OF \$\$\$ EFFECTIVE JULY 1, 2022 FOR THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA
(C) RESOLUTION AUTHORIZING A BASELINE RATE OF \$\$\$ EFFECTIVE JULY 1, 2022 FOR THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF NATIONAL CITY

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

This item was continued to a future Board meeting.

16. [2022-0172](#) 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 REGIONAL WATER QUALITY

CONTROL BOARD ON TMDL IMPLEMENTATION ACTIONS; AND
B. PRESENTATION OF FINDINGS FROM THE IN-WATER HULL
CLEANING PAUSE

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

This item was continued to a future Board meeting.

**17. [2022-0023](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD
AGENDA FOR THE JULY 12, 2022 MEETING**

On a motion by Commissioner Naranjo, seconded by Commissioner Urtasun, the Board approved the proposed agenda for July. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

18. [2022-0177](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2022-10 with La Mesa Glass, Inc. - Increases Contract by \$6,663.00 & 32 Calendar Day Time Extension thru 06-30-22

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

A) Request for User Fee Waiver Form from Regents of the University of California for TUOP to the Regents of the University of California for Scientific Research at IB Pier, for total amount \$1,100.00

B) Request for User Fee Waiver Form from Bartell Hotels - Holiday Inn Bayside for Renewal of Landscaping TUOP's, for total amount \$2,200.00

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. 2 to Lease (#58957) with Bartell Hotels dba Holiday
Inn Bayside - Amends Clauses in Paragraph 3 Regarding Rent
Percentages for Hotel Operations and Services



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, July 12, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Officers Present: DeAngelis, Morales, and Stuyvesant.

B. Public Communications.

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

CLOSED SESSION

Rebecca Harrington, Assistant General Counsel, announced the Closed Session items as follows:

1. [2022-0202](#) Closed Session Item No. 1

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

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

No reportable action was taken on this item.

2. [2022-0203](#) Closed Session Item No. 2

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

SLPR LLC, et al. v. San Diego Unified Port District and State of California, et al.

San Diego Superior Court Case No. GIC 860766-1 [Consolidated with 37-2008-000791750-CU-OR-CTL and 37-2016-00025353-CU-EI-CTL]

No reportable action was taken on this item.

3. [2022-0204](#)

Closed Session Item No. 3

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

Sako v. City of San Diego, et al.

San Diego Superior Court Case No. 37-2020-00015497-CU-PO-CTL

No reportable action was taken on this item.

4. [2022-0201](#)

Closed Session Item No. 4

CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Elba Gomez, 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.

5. [2022-0207](#)

Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 7 acres of tideland area located at 1311 First Street, in the City of Coronado, California.

Negotiating Parties: Christian Herrera - Ferry Landing Associates, LLC
Joe Stuyvesant, Christian Anderson, Anthony Gordon, Chris Hargett - SDUPD

Under Negotiation: Price and Terms

No reportable action was taken on this item.

6. [2022-0200](#) Closed Session Item No. 6

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 - Joe Stuyvesant, Anthony Gordon, Adam Meyer, Amber Jensen

Under Negotiations: Price and Terms

No reportable action was taken on this item.

7. [2022-0215](#) Closed Session Item No. 7

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

No reportable action was taken on this item.

8. [2022-0214](#) Closed Session Item No. 8

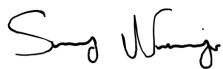
PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

9. [2022-0213](#) Closed Session Item No. 9

PERSONNEL EVALUATION
PORT AUDITOR
Government Code Section 54957

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 12, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner A. Moore led the pledge of allegiance.

C. Closed Session Report Out.

Rebecca Harrington, Assistant 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: Corchelle Worsham.

E. Board Committee Reports.

Commissioner Naranjo provided a report on the Audit Oversight Committee meeting held on June 23, 2022. Commissioner Naranjo shared that the agenda included presentations on the proposed Fiscal Year 2023 Audit Plan; the Port Auditor's status report on audit Activities related to the Port's Audit plan for FY 2022; the District's Financial Performance through April 30, 2022; and the status of hotline reports received through the District's Fraud Prevention Ethics Hotline. Commissioner Naranjo announced that the next Audit Oversight Committee meeting is Thursday, September 22, 2022 and upcoming items of interest are Office of the Port Auditor Annual Report for FY 2022; Fraud Prevention Ethics Hotline Update for FY 2022; and consideration of recommendation to the Board for approval of a contract for As-Needed Audit Services.

Commissioner Urtasun announced that he and fellow Commissioner Castellanos facilitated the Maritime Stakeholder Forum on June 16, 2022. Commissioner Urtasun reported that presentations included overviews of the truck transition plan; the health risk assessment; and the Port's Low Carbon Fuel Standard (LCFS) program. Commissioner Urtasun also announced that the committee received a preview and presentation on Crowley's race to be the first all-electric tug. Commissioner Urtasun shared that the committee heard public comments including National Pineapple Day on June 27, 2022; Pasha provided information regarding stabilizing volumes at the National City Marine Terminal; Terminal Lift reported about their struggles finding electric longer hauling trucks; and the committee heard comments about where the Port excels and where they can continue to improve regarding the Green Marine certification.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on the AB 617 Community Steering Committee and Implementation Subcommittee meeting held on June 23, 2022. Commissioner Naranjo shared that staff provided an overview of the Board's discussion from the June 13, 2022, Board of Port Commissioners meeting on the Port's updated Health Risk Assessment and the Port's Zero Emission Truck Transition Plan. Commissioner Naranjo announced that the Subcommittee requested to learn more about quality related topics including SANDAG's regional freight planning strategy at future meetings and also shared that San Diego APCD staff canceled the June 28, 2022, AB 617 Steering Committee meeting and the next Steering Committee meeting is scheduled for July 26, 2022.

Chairman Malcolm announced that there is a special Board Meeting on July 21, 2022 to further the discussion on the Central Embarcadero project.

G. President's Report.

Joe Stuyvesant, President/CEO thanked Parks and Recreation, Harbor Police, 911 Dispatchers, General Services, Marketing and Communications, and Information Technology for providing a safe event and positive experience for the estimated half million people who attended the annual Big Bay Boom on San Diego Bay.

Mr. Stuyvesant shared that the Port received its first two fully electric vehicles, a Ford F150 Lightning pick up truck and a 2022 Ford E-Transit cargo van. Mr. Stuyvesant also shared that over the course of the next few months, General Services will purchase 10 additional Ford F150 Lightning Pros, 4 E-Transit Cargo Vans, build 18 charging stations and 4 DC fast charges.

Mr. Stuyvesant reported that the Port had been re-certified by Green Marine, North America's largest voluntary environmental certification program for the maritime industry. Mr. Stuyvesant added that to earn re-certification, the Port had to undergo a rigorous evaluation of its environmental initiatives. Results of the evaluation were verified by an accredited third party and the Port ranked in the top ten percent of North America ports in the Green Marine program.

Mr. Stuyvesant announced that in June the main budget bill was passed for the state of California and a series of "trailer bills" were drafted to implement the budget. Mr. Stuyvesant added that the Port has been working closely with the cities of San Diego and Coronado and the US Navy regarding abandoned and derelict vessels at Zuniga Shoal that are degrading the environment, health, safety, and national security in the San Diego region. Mr. Stuyvesant then shared that the state will allocate \$1,400,000 to the Port to address this challenge.

Mr. Stuyvesant then recognized and thanked the Police officers, dispatchers, and staff of the Harbor Police Department for the tremendous job they do. Mr. Stuyvesant reported that through retirement and attrition, the Port has lost about 20% of the sworn staff, however, the Port has implemented an officer recruitment incentive program in which Lateral Officers hired will be eligible to receive up to \$10,000 and Trainee Officers will be eligible to receive up to \$1,000.

Lastly, Mr. Stuyvesant shared that Corporal Matthew Oakley has been named the Port of San Diego Harbor Police Department Officer of the Year and added that Corporal Oakley's excellent attributes benefit the entire department and community.

H. District Clerk's Announcements.

Donna Morales, District Clerk announced that no additional agenda-related materials were received by the Board after publication of the agenda.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 9 - File 2022-0206.

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

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0210](#) Approval of minutes for:

June 14, 2022 - CLOSED SESSION

June 14, 2022 - BPC MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Moore, the Board approved the June 2022 minutes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, the Board adopted Items 1, 3 - 6 and 8; Ordinance 3051; Resolution 2022-074; Resolution 2022-075; Resolution 2022-076; Resolution 2022-077; Resolution 2022-079 and Resolution 2022-080. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0012](#) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE WITH THE BRIGANTINE INC., DBA KETCH GRILL AND TAPS, TO UPDATE LEASE PROVISIONS AND EXTEND THE LEASE TERM BY 10 YEARS.

On a motion by Commissioner Zucchet, seconded by Commissioner Urtasun, the Board adopted Ordinance 3051 as part of the Consent agenda.

3. [2022-0139](#) RESOLUTION AUTHORIZING AMENDMENT NUMBER 9 TO AGREEMENT WITH EXCELERATE, LLC FOR AS NEEDED PROJECT MANAGEMENT OFFICE (PMO) SERVICES IN AN AMOUNT OF \$1,590,000 FOR A NEW NOT TO EXCEED AMOUNT OF \$7,019,024. FUNDS FOR FY 2023 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE BUDGET. FUNDS 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 Zucchet seconded by Commissioner Urtasun, the Board adopted Resolution 2022-074 as part of the Consent agenda.

4. [2022-0169](#) RESOLUTION AUTHORIZING AMENDMENT NO. 8 TO AGREEMENT WITH WINBOURNE CONSULTING, LLC. FOR PROJECT MANAGEMENT SERVICES FOR COMPUTER AIDED DISPATCH SYSTEM REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$80,000 FOR A NEW NOT TO EXCEED AGREEMENT VALUE OF \$518,245. FUNDS FOR FY 2023 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE BUDGET.

On a motion by Commissioner Zucchet seconded by Commissioner Urtasun, the Board adopted Resolution 2022-075 as part of the Consent agenda.

5. [2022-0173](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF JULY 2022 AS PARKS AND RECREATION MONTH

On a motion by Commissioner Zucchet seconded by Commissioner Urtasun, the Board adopted Resolution 2022-076 as part of the Consent agenda.
6. [2022-0180](#) RESOLUTION GRANTING CONCEPT APPROVAL TO CROWLEY MARINE SERVICES, INC. FOR THE ELECTRIC TUGBOAT CHARGING STATION AND SHORE POWER INFRASTRUCTURE PROJECT LOCATED AT THE TENTH AVENUE MARINE TERMINAL

On a motion by Commissioner Zucchet seconded by Commissioner Urtasun, the Board adopted Resolution 2022-077 as part of the Consent agenda.
8. [2022-0197](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Zucchet seconded by Commissioner Urtasun, the Board adopted Resolution 2022-079 as part of the Consent agenda.
9. [2022-0206](#) SWEETWATER PARK PROJECT AND OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT:
A) RESOLUTION AUTHORIZING STAFF TO ENTER INTO A CONDITIONAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR FOR A \$5,000,000 OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT, AND TO GRANT INDEMNITY TO THE DEPARTMENT OF THE INTERIOR;
B) RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR (FY) 2019-2023 5-YEAR CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE SWEETWATER PARK COST BY \$14.9 MILLION TO CONDUCT APPROXIMATE 70 PERCENT DESIGN FOR SWEETWATER PARK AND OTHER IMPROVEMENTS

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

Item 2 - File No. 2022-0138 and Item 7 - File No. 2022-0187 were pulled from Consent. On a motion by Commissioner Moore, seconded by Commissioner Castellanos, the Board adopted the requested docket changes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

2. [2022-0138](#) RESOLUTION AUTHORIZING A SOLE SOURCE AGREEMENT WITH WATTS MARINE LLC FOR THE PERIOD OF JULY 1, 2022, TO JUNE 30, 2025, TO PROVIDE CRUISE SHIP SHORE POWER CONNECTION, COMMISSIONING, AND MAINTENANCE SERVICES SUPPORTING THE PROPRIETARY SHORE POWER SYSTEM AT B STREET AND BROADWAY PIERS, IN COMPLIANCE WITH CALIFORNIA AIR RESOURCES BOARD AT-BERTH REGULATIONS, IN AN AMOUNT NOT TO EXCEED \$1,750,000. FUNDS FOR THE FIRST YEAR OF THIS EXPENDITURE OF \$589,700 ARE INCLUDED IN THE APPROVED FY 2023 BUDGET. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED FOR IN THE APPROPRIATE YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

Item 2 - File No. 2022-0138 was pulled from Consent.

On a motion by Commissioner Moore seconded by Commissioner Castellanos, the Board adopted Resolution 2022-073. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

7. [2022-0187](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH AUSTAL USA (AUSTAL), REGARDING LOW CARBON FUEL STANDARD (LCFS) CREDITS GENERATED FROM ELIGIBLE ELECTRIFIED EQUIPMENT LOCATED AT AUSTAL'S LEASEHOLD IN NATIONAL CITY, CALIFORNIA, FOR USAGE COVERING THE PERIOD FROM JULY 1, 2022, THROUGH DECEMBER 31, 2030

Item 7 - File No. 2022-0187 was pulled from Consent.

On a motion by Commissioner Urtasun seconded by Commissioner D. Moore, the Board adopted Resolution 2022-078. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

10. [2022-0036](#) RESOLUTION APPROVING THE AUDIT PLAN FOR FISCAL YEAR 2023 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 10 - File No. 2022-0036 (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 Malcolm, Commissioner Urtasun and provided comments and asked clarifying questions. Mark Yeilding responded.

On a motion by Chairman Malcolm, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-080. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

11. [2022-0144](#) PRESENTATION AND DIRECTION TO STAFF REGARDING THE RECOMMENDED DEVELOPMENT CONFIGURATION OF EAST HARBOR ISLAND

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager, Real Estate, Lesley Nishihira, Director, Planning, David Jones, Deputy General Counsel IV, Office of the General Counsel, Scott Jordon, Design Consultant with Civitas and representatives from Top Golf, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2022-0144 (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: Matt Smith, Top Golf; and Sharon Cloward, San Diego Working Waterfront.

Commissioner A. Moore, Commissioner Urtasun, Commissioner Zucchet, Commissioner Castellanos and Chairman Malcolm provided comments and asked clarifying questions. Lesley Nishihira, and James Hammel, and Scott Jordon, responded.

12. [2022-0145](#) SHELTER ISLAND YACHT BASIN (SIYB) DISSOLVED COPPER TOTAL MAXIMUM DAILY (TMDL) LOAD:
 A. INFORMATIONAL UPDATE ON THE STATUS OF THE DISTRICT'S SIYB COPPER REDUCTION PROGRAM, INCLUDING WATER QUALITY RESULTS, LOAD REDUCTION EFFORTS AND COORDINATION WITH THE REGIONAL WATER QUALITY CONTROL BOARD ON TMDL IMPLEMENTATION ACTIONS, AND DIRECTION TO STAFF; AND
 B. INFORMATIONAL UPDATE ON THE FINDINGS FROM THE 8-WEEK TEMPORARY IN-WATER HULL CLEANING PAUSE AND ASSOCIATED 16-WEEK WATER QUALITY MONITORING PROGRAM

Karen Holman, Director, Environmental Protection, with Jason Giffen, Vice President, Planning and Environment, and John Carter, Senior Deputy General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2022-0145 (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: John Adriany, Shelter Island Master Lease Holders Group; Cleve Hardaker, Silver Gate Yacht Club; Sharon Cloward, San Diego Working Waterfront; and Joe Ravitch, Shelter Island Marina.

Commissioner Urtasun, and Chairman Malcolm provided comments and asked clarifying questions. Karen Holman, and Jason Giffen responded.

13. [2022-0195](#) PRESENTATION AND UPDATE ON THE DISTRICT'S BLUE ECONOMY INCUBATOR INCLUDING THE THIRD EDITION OF THE BLUE ECONOMY INCUBATOR HIGHLIGHTS REPORT

Paula Sylvia, Program Director, Aquaculture and Blue Technology Program, joined by Jason Giffen, Vice President, Planning and Environment, Eileen Maher, Director, Environmental Conservation, Margaret Pilaro, Program Manager, Aquaculture and Blue Tech Team, and John Carter, Senior Deputy General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2022-0195 (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 Urtasun, Commissioner Castellanos; Commissioner Naranjo, and Chairman Malcolm provided comments and asked clarifying questions. Paula Sylvia, Joe Stuyvesant, Jason Giffen, and Eileen Maher responded.

14. [2022-0024](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE AUGUST 9, 2022 MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board approved the proposed agenda for August. The motion carried by the

following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT**15. [2022-0205](#) OFFICER'S REPORT**

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

A) Change Order No. 1 to Contract No. 2020-09R with Perimeter Security Group, LLC - 60 Calendar Day Time Extension thru 06-28-22

B) Change Order No. 2 to Contract No. 2022-10 with La Mesa Glass, Inc. - 185 Calendar Day Time Extension thru 12-31-22

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 Conservation Biology Institute for Conservation Biology Institute Sea Lavender Mapping, for total amount \$2,208.00

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. 2 to Lease (#69887) with Old Town Trolley Tours &
Seal Tours and Information Center - Amends Section 4.2 Regarding
Percentage Rent, & Extends Term thru 04-30-24



*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, July 21, 2022

12:00 PM

Don L. Nay Port Administration Boardroom

Special Board Meeting

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Officers Present: DeAngelis, Russell, Stuyvesant and Yeilding.

B. Pledge of Allegiance.

Commissioner Zucchet led the pledge of allegiance.

C. Public Communications.

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

D. District Clerk's Announcements.

Sophia De Jesus, Deputy District Clerk, announced that additional agenda-related materials were received by the Board after publication of the agenda for the following item: Item 1 - File 2022-0208.

ACTION AGENDA

1. [2022-0208](#) PRESENTATION AND UPDATE ON THE SEAPORT SAN DIEGO PROJECT WITH 1HWY1, LLC, FOR THE REDEVELOPMENT OF A PORTION OF THE CENTRAL EMBARCADERO DISTRICT AND DIRECTION TO STAFF

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager, Real Estate, Adam Meyer, Assistant Director, Real Estate, Lesley Nishihira, Director, Planning, Elizabeth Alonso, Senior Deputy General Counsel, and presenting from the 1HWY1 team, Yehudi Gaffen, Alex Buggy, and James Mellor, addressed the Board with

Board of Port Commissioners

Special Meeting Minutes

July 21, 2022

staff's report and presentation regarding Action Agenda Item 1 - File No. 2022-0208 (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: Pete Halmay, San Diego Fisherman's Working Group; Ann and Peter Fallon; Adrian Fremont; Anonymous; Anonymous; Anonymous; Anonymous; Carol Ann Fitzgerald; Cynthia Fuller Quinones, Claire Leschin Hoar; Claire Murray; Lisa Joy; Manuel George, Jr.; Mark Helvey; Dr. Molly Lutcavage, Pacific Islands Fisheries Group, Kauai Ahi Club and Pelagics Research Center; Ron Batchner, Lead Architect, Wholesale Markets and Facility Design Program, US Department of Agriculture; Rex Murray; Sona Desai, Co-Executive Director, Food System Alliance; Trey Angera, Executive Director, Maine Seaweed Exchange; Theresa Talley, Coastal Specialist, California Sea Grant; John McGrath; Janet Rogers, Embarcadero Coalition; Joyce Sumner; Katrina Boyd, San Diego Regional Chamber of Commerce; Nancy Reed; Susan Simon; Will Rhatigan, San Diego County Bicycle Coalition; Matt Everingham, Chief Technologist, Everingham Bros Bait Co.; Mark G. Stephens; Bonnie Kohn; Sidney Kohn; John Alvarado, Good Neighbor Project San Diego; Deborah Cushman; Stacey Pennington, SLP Urban Planning; Robert Piskule; Julie Coker, President & CEO, San Diego Tourism Authority; Peter Flournoy; Ryan Karlsgot, President, Citizens Coordinate for Century 3 (C3); Don Wood, San Diego Waterfront Coalition; Teddy Martinez, San Diego Regional Economic Development Corporation; Ashley Martinez, San Diego County Regional Airport Authority; Trudy Stambook; Matt Classen, Executive Director, TMA Blue Tech; and Josh Coyne, Vice President of Policy, Downtown San Diego Partnership.

Commissioner Zucchet, Commissioner A. Moore, Commissioner Castellanos, Commissioner Urtasun, Chairman Malcolm, Commissioner Naranjo, and Commissioner D. Moore provided comments and asked clarifying questions. Adam Meyer, Yehudi Gaffen, Lesley Nishihira, James Mellor, Rebecca Harrington and Joe Stuyvesant, President/CEO, responded.

Commissioner Zucchet left the dais at 3:24 pm and did not return; Chairman Malcolm left the dais at 4:06 pm and did not return.



*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 9, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Commissioner A. Moore, Commissioner D. Moore and Commissioner Naranjo were excused until they arrived.

Officers Present: 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. [2022-0249](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - Approximately 105 acres of land and water located in the City of San Diego situated between downtown and the Bay in the District's Central Embarcadero area and bordered by the USS Midway Museum and Harbor Drive to the north, Manchester Grand Hyatt and Kettner Boulevard to the east, and San Diego Bay to the south and west
Negotiating Parties:
1HWY1, LLC - Yehudi Gaffen

SDUPD - Joe Stuyvesant, Adam Meyer, Anthony Gordon, James Hammel, Alexa Paulus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

2. [2022-0245](#)

Closed Session Item No. 2

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 - Joe Stuyvesant, Anthony Gordon, Adam Meyer, Amber Jensen

Under Negotiations: Price and Terms

No reportable action was taken on this item.

3. [2022-0248](#)

Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 7,989 square feet of building area located at 807 W. Harbor Drive, San Diego

Negotiating Parties:

Cedar Restaurant Group, LLC dba 3rd Base - Freddy Braid

R.I. Properties, Inc. dba Retail Insite - Don Moser and Allison Campbell

SDUPD - Joe Stuyvesant, Anthony Gordon, Adam Meyer, Alexa Paulus, Donovan Martinez

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2022-0251](#)

Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 428,927 square feet of land area and

approximately 1,235,218 square feet of water area located at 1551 Shelter Island Drive in the City of San Diego, California

Negotiating Parties:

CAHUENGA III, LLC dba Kona Kai Resort and Marina - Jake Donohue, CEO
San Diego Unified Port District - Anthony Gordon, Chris Hargett, Steven Wells, Christian de Manielle, David Jones

Under Negotiations: Price and Terms

Item will be continued to future date.

5. [2022-0250](#)

Closed Session Item No. 5

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

Three (3) cases

The Board considered 2 of the 3 items. No reportable action was taken.

6. [2022-0242](#)

Closed Session Item No. 6

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

Item will be continued to future date.

7. [2022-0243](#)

Closed Session Item No. 7

PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

Item will be continued to future date.

8. [2022-0244](#)

Closed Session Item No. 8

PERSONNEL EVALUATION
PORT AUDITOR
Government Code Section 54957

Item will be continued to future date.



*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 9, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner Naranjo led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered items 1-3, two of the three items under item 5, and that the remaining items on the Closed Session Agenda will be considered at a future date. Mr. Russell 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: Raymond Leyba, President, ILWU Local 29; Carlos Cordon, Lead Organizer, ILWU International; and Ryan Dowling, Organizing Director, ILWU.

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on the July 15 Joint Meeting of the San Diego Association of Governments Transportation and Regional Planning Committees. Commissioner Naranjo announced that the centerpiece of the joint session was adoption by the two committees of a Vision Zero Action Plan for safer mobility in the region. Commissioner Naranjo shared that the Vision Zero Plan, which was approved by the San Diego Association of Governments (SANDAG) Board of Directors, will allow the

transportation planning agency to apply for federal funding to design and construct safer streets, including bike lanes, and will open the door for local governments and the county's 18 federally-recognized tribal governments to apply for traffic safety funding. Commissioner Naranjo also provided an update on SANDAG's Youth Opportunity Pass pilot program that provides free public transit for youth 18 and under in the county which began May 1 and will initially be in place through next June. Commissioner Naranjo reported that youth ridership is up 75% on buses and trolleys; the program benefits impoverished youth, students, and workers; the pass program costs \$6 million a year; and SANDAG is pursuing state funding to continue the program and extend free ridership to people 24 and under to ease transportation costs for college students.

Commissioner Naranjo announced that at the July 21st Community Emission Reduction Program (CERP)/Maritime Clean Air Strategy (MCAS) Implementation Subcommittee meeting and the July 26th AB 617 Steering Committee, staff from the California Air Resources Board summarized new requirements in the Criteria and Toxics Reporting Regulation. Commissioner Naranjo also shared the following from the San Diego Air Pollution Control District: Domingo Vigil stated they will be presenting an annual report on the AB 617 CERP at the next meeting in August and then submit the report to California Air Resources Board (CARB) in October; Kathy Keehan updated the Steering Committee on the \$4 million in funding they will use to incentivize procurement of zero emission heavy-duty trucks, and shared that the state has been allocated an additional \$18.7 million in funding to implement programs in the CERP; and Kevin Bradley gave a presentation regarding new monitoring techniques to measure diesel particulate matter in Portside Communities.

G. Special Recognition.

None.

H. President's Report.

Joe Stuyvesant, President/CEO reported that the Port and San Diego Gas & Electric (SDG&E) have entered into a Memorandum of Understanding (MOU) to collaborate on electrification, greenhouse gas reduction, and clean air strategies in support of the Port's Maritime Clean Air Strategy (MCAS). Mr. Stuyvesant shared that the MOU includes a provision for SDG&E and Port staff, at the executive level, to meet on a regular basis, at least once per quarter, to help remove any roadblocks and resolve any misunderstandings, and it also includes a process to escalate unresolved issues to the top of both organizations.

Mr. Stuyvesant shared that the Port will host two port authorities, Seattle and Tacoma, on August 11 and 12, 2022, with Commissioner Naranjo leading the informational visit. Mr. Stuyvesant stated that Environmental Health Coalition, Pacific Environment, and various local laborer leaders will be joining the representatives of those two ports to share a closer look at how our Port is working with our communities to address the challenges of climate change, equity, inclusion, and innovation on and around the bay.

Mr. Stuyvesant also shared that the Port is hosting a visit from the California State Transportation (CalSTA) Secretary along with the local Caltrans District 11 office. Mr. Stuyvesant shared that this fall, CalSTA will be awarding a portion of the \$1.2 billion allocation that the legislature has recently approved for ports and the larger supply chain, therefore, the Port is looking forward to the opportunity to show the Secretary some of the important work the Port is doing at our marine terminals.

Mr. Stuyvesant announced that the State Lands Commission will convene their next

regular meeting at the Port of San Diego on August 23, 2022. Mr. Stuyvesant explained that one of the items expected on the agenda will be consideration of the third and final round of stimulus funding. Mr. Stuyvesant reported that staff submitted the Port's application to the State Lands Commission on July 25, 2022, and requested that these funds be used to advance generational investments in the Port's infrastructure. Lastly, Mr. Stuyvesant reported that the Port should receive feedback from State Lands on their application when they hold their August 23, 2022 meeting.

I. District Clerk's Announcements.

Donna Morales, District Clerk announced that no additional agenda-related materials were received by the Board after publication of the agenda.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 2 - File 2022-0225.

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

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0240](#) Approval of minutes for:

July 12, 2022 - CLOSED SESSION

July 12, 2022 - BPC MEETING

July 21, 2022 - SPECIAL BPC MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board approved the July 2022 minutes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner D. Moore, the Board adopted Items 1, 3 and 5 - 8; Ordinance 3052; Ordinance 3053; Resolution 2022-081; Resolution 2022-082; Resolution 2022-083; Resolution 2022-084; Resolution 2022-085; Resolution 2022-086; Ordinance 3055; Resolution 2022-087; Resolution 2022-088; Resolution 2022-089; and Resolution 2022-090. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2021-0180](#) BAYSHORE BIKEWAY SEGMENTS 2 AND 3:

A. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 1,737 SQUARE FEET OF LAND LOCATED WEST OF AND ADJACENT TO NORTH HARBOR DRIVE IN THE CITY OF SAN DIEGO.

B. ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT FOR THE OPERATION AND MAINTENANCE OF A SEGMENT OF THE BAYSHORE BIKEWAY TO THE CITY OF SAN DIEGO FOR APPROXIMATELY 466 SQUARE FEET OF LAND LOCATED EAST OF AND ADJACENT TO HARBOR DRIVE IN THE CITY OF SAN DIEGO.

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Ordinance 3052 and Ordinance 3053 as part of the Consent agenda.

2. [2022-0225](#) RESOLUTION AUTHORIZING CAPTAIN JOSHUA K. FERGUSON AS A FULL-TIME U.S. COAST GUARD LICENSED SAN DIEGO HARBOR PILOT, TO PERFORM PILOTING SERVICES FOR THE NAVIGATION OF VESSELS ENTERING, LEAVING, AND SHIFTING WITHIN SAN DIEGO BAY.

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. [2022-0194](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DATA TICKET, INC. FOR PARKING CITATION PROCESSING SERVICES AND ENFORCEMENT EQUIPMENT FOR AN AMOUNT NOT TO EXCEED \$500,000 FOR A PERIOD OF FIVE (5) YEARS FROM OCTOBER 1, 2022, THROUGH SEPTEMBER 30, 2027, WITH FIVE (5) ONE-YEAR OPTIONS TO EXTEND, WHICH MAY BE EXERCISED BY THE DISTRICT AT ITS SOLE DISCRETION FOR AN AMOUNT NOT TO EXCEED \$90,000 PER YEAR, FOR A TOTAL NOT-TO-EXCEED AMOUNT, INCLUDING OPTIONS, OF \$950,000. FUNDS FOR FISCAL YEAR (FY23) ARE BUDGETED, ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-081 as part of the Consent agenda.

5. [2022-0209](#) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF STORAGE TANKS AND STORM WATER IMPROVEMENTS PROJECT AT THE TENTH AVENUE MARINE TERMINAL

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-082 as part of the Consent agenda.

6. [2022-0217](#) ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDED BY SAN DIEGO ASSOCIATION OF GOVERNMENTS

A) RESOLUTION AUTHORIZING AN APPLICATION FOR ENVIRONMENTAL MITIGATION LAND MANAGEMENT GRANT PROGRAM FUNDS TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR ENDANGERED AVIAN NESTING SITE STEWARDSHIP AT D-STREET FILL PROJECT COMMITTING TO PROVIDE FUNDS IN KIND, AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT; AND

B) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE GRANT AGREEMENT WITH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR GRANT FUNDING, IF AWARDED, IN THE AMOUNT OF \$80,000, FOR A PERIOD OF 18 MONTHS BEGINNING ON OR AROUND SEPTEMBER 1, 2022, AND ENDING ON OR AROUND FEBRUARY 1, 2024, AND GRANTING INDEMNITY TO SANDAG

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-083 and Resolution 2022-084 as part of the Consent agenda.

7. [2022-0220](#) RESOLUTION SUPPORTING THE DISTRICT'S SUBMISSION OF A GRANT APPLICATION TO THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006, PROP 68, FUNDED BY THE OCEAN PROTECTION COUNCIL IN THE AMOUNT OF \$500,000 FOR A PERIOD OF THREE YEARS AND CONFIRMING THAT THE DISTRICT WILL ACCEPT THE GRANT IF AWARDED TO THE DISTRICT AND A GRANT AGREEMENT IS APPROVED BY THE BOARD OF PORT COMMISSIONERS

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Resolution 2022-085 as part of the Consent agenda.

8. [2022-0229](#) 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 D. Moore, the Board adopted Resolution 2022-086 as part of the Consent agenda.

ACTION AGENDA

4. [2022-0198](#) ORDINANCE GRANTING AMENDMENT NO. 6 TO THE CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO EXTEND THE TERM OF THE CONDITIONAL AGREEMENT FOR THE PROPOSED CEMENT IMPORT TERMINAL IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, IN SAN DIEGO FOR AN ADDITIONAL 12 MONTHS TO DECEMBER 31, 2023

Item 4 - File No. 2022-0198 was pulled from Consent.

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

Tony Gordon, Director, Real Estate, along with Ryan Donald, Department Manager, Real Estate, and Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, addressed the Board regarding Agenda Item 4 - File No. 2022-0198.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Commissioner A. Moore, Commissioner Zucchet, and Chairman Malcolm, provided comments and asked clarifying questions. Ryan Donald, Rebecca Harrington, Nicki Carlsen, Legal Counsel for Alston & Bird, representing Mitsubishi Cement Corporation, and Tony Gordon, responded.

Commissioner Naranjo called for a motion to include a recital acknowledging the Maritime Clean Air Strategy (MCAS) in Amendment No. 6 to the Conditional Agreement; and to modify the term extension to reflect a six (6) months extension to the Conditional Agreement; and approve the Amendment No. 6 to the Conditional Agreement with those changes. Commissioner Zucchet seconded the motion, and the Board adopted Ordinance 3054. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

PUBLIC HEARING AGENDA

9. [2022-0211](#) B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS AND FACILITY FEE

A. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES, AND CHARGES, TO ADD A NEW RATE FOR CRUISE FACILITY IMPROVEMENT FEE IN THE AMOUNT OF \$5.50 PER PASSENGER

B. RESOLUTION ESTABLISHING A CRUISE FACILITY IMPROVEMENT FUND RESOURCED THROUGH THE CRUISE FACILITY IMPROVEMENT FEE

C. RESOLUTION AMENDING THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM (CIP) TO ADD THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT WITH A PROJECT BUDGET OF \$5,000,000

D. RESOLUTION APPROVING A FY 2023 BUDGET TRANSFER, IN ACCORDANCE WITH BPC POLICY NO. 90, TRANSFERRING \$650,000 FROM THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION TO THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATION FOR DESIGN COSTS AND GEOTECHNICAL STUDY FOR THE B STREET CRUISE SHIP TERMINAL INTERIOR IMPROVEMENTS PROJECT

E. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH DOMUSSTUDIO ARCHITECTURE, SILLMAN WRIGHT ARCHITECTS, AND ROESLING NAKAMURA TERADA ARCHITECTS, INC. FOR AS-NEEDED ARCHITECTURAL SERVICES INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$350,000 FROM \$800,000 TO A NEW NOT-TO-EXCEED AMOUNT OF

\$1,150,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 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

F. RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE AGREEMENTS WITH MOFFATT & NICHOL, GHD, TRITON ENGINEERS, AND SIMPSON GUMPERTZ & HEGER, INC. FOR AS-NEEDED MARINE STRUCTURAL SERVICES, INCREASING THE AGGREGATE AGREEMENT AMOUNT BY \$300,000 FROM \$4,000,000 TO A NEW NOT-TO-EXCEED AMOUNT OF \$4,300,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FY 2023 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

Mike LaFleur, Vice President, Maritime, joined by Joel Valenzuela, Director, Maritime, Josefina Khalidy, Principal, Maritime Business Retention, Maritime, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 9 - File No. 2022-0211 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing.

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

Chairman Malcolm closed the Public Hearing.

Commissioner A. Moore, Commissioner Naranjo, Commissioner Urtasun, Chairman Malcolm, and Commissioner Zucchet provided comments and asked clarifying questions. Thomas Russell, General Counsel, Office of the General Counsel, Simon Kann, Cid Tesoro, Vice President, Facilities and Engineering, Joel Valenzuela, and Mike LaFleur, responded.

Commissioner A. Moore called for a motion to approve with removal of the whereas clause language "outside the District's scheduled Major Maintenance Program" in the Ordinance and in the related resolutions, and to remove the project from the Capital Improvement Project (CIP) program and put in Other Capital Projects. Commissioner Zucchet seconded the motion, and the Board adopted: (A) Ordinance 3055; (B) Resolution 2022-087; (E) Resolution 2022-088; and (F) Resolution 2022-089. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA CONTINUED

10. [2022-0212](#) RESOLUTION AUTHORIZING AN 8-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CORONADO FOR LAW ENFORCEMENT, FIRE, LIFEGUARD AND EMERGENCY SERVICES ON NON-AD-VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO

Tony Gordon, Director, Real Estate, joined by David Jones, Deputy General Counsel IV, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2022-0212 (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 Urtasun, Commissioner Zucchet, Commissioner A. Moore, Commissioner Naranjo and Chairman Malcolm provided comments and asked clarifying questions. Tony Gordon and David Jones responded.

On a motion by Commissioner Urtasun seconded by Commissioner Zucchet, the Board adopted Resolution 2022-090. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

11. [2022-0025](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE SEPTEMBER 13, 2022 MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board approved the proposed agenda for September. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

12. [2022-0234](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2021-07 with Telliard Construction
- 13 Calendar Day Time Extension thru 06-30-22

B) Change Order No. 1 to Contract No. 2021-18 with Patriot
Environmental Services, Inc. - 15 Calendar Day Time Extension thru 06-30-
22

C) Change Order No. 1 to Contract No. 2020-25 with Shimmick
Construction Company, Inc. - Increases Contract by \$414,281.09

D) Change Order No. 3 to Contract No. 2022-10 with La Mesa Glass, Inc. -
Increases Contract by \$5,141.00

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

None to Report

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

None to Report

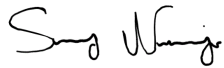
MONTHLY NOTIFICATION OF ENCUMBRANCES CONSENTED TO
ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS
AMENDED ON JANUARY 10, 2017:

None to Report

MONTHLY NOTIFICATION OF LEASE AMENDMENTS CONSENTED TO

ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS
AMENDED ON JANUARY 10, 2017:

None to Report



*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 13, 2022

9:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Rollcall

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Ann Moore

Absent: 0

Recused: 0

Chairman Malcolm and Commissioner Zucchet 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. [2022-0291](#) Closed Session Item No. 1

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

No reportable action was taken on this item.

2. [2022-0292](#) Closed Session Item No. 2

PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

3. [2022-0293](#) Closed Session Item No. 3

PERSONNEL EVALUATION

PORT AUDITOR

Government Code Section 54957

No reportable action was taken on this item.

4. [2022-0294](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: SDUPD - Approximately 105 acres of land and water located in the City of San Diego situated between downtown and the Bay in the District's Central Embarcadero area and bordered by the USS Midway Museum and Harbor Drive to the north, Manchester Grand Hyatt and Kettner Boulevard to the east, and San Diego Bay to the south and west

Negotiating Parties:

1HWY1, LLC - Yehudi Gaffen

SDUPD - Joe Stuyvesant, Adam Meyer, Anthony Gordon, James Hammel, Alexa Paulus

Under Negotiations: Price and Terms

No reportable action was taken on this item.

5. [2022-0296](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 428,927 square feet of land area and approximately 1,235,218 square feet of water area located at 1551 Shelter Island Drive in the City of San Diego, California

Negotiating Parties:

CAHUENGA III, LLC dba Kona Kai Resort and Marina - Jake Donohue, CEO

San Diego Unified Port District - Anthony Gordon, Chris Hargett, Steven Wells, Christian de Manielle, David Jones

Under Negotiations: Price and Terms

No reportable action was taken on this item.

6. [2022-0295](#) Closed Session Item No. 6

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

Four (4) cases

No reportable action was taken on this item.

7. [2022-0289](#) Closed Session Item No. 7

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

SLPR LLC, et al. v. San Diego Unified Port District and State of California,
et al.

San Diego Superior Court Case No. GIC 860766-1 [Consolidated with
37-2008-000791750-CU-OR-CTL and 37-2016-00025353-CU-EI-CTL]

No reportable action was taken on this item.

8. [2022-0290](#) Closed Session Item No. 8


CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6

District Negotiators: Joe Stuyvesant, Elba Gomez, 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.



*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, September 13, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Ann Moore

Absent: 0

Recused: 0

Commissioner Zucchet was excused until he arrived.

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

B. Pledge of Allegiance.

Commissioner Urtasun led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered items on the Closed Session Agenda with the exception of one of the items under Item 6 and Item 8 which will be considered at the end of the meeting. Mr. Russell stated that no reportable action was taken.

D. Public Communications.

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

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Naranjo announced that the Community Emission Reduction Program/Maritime Clean Air Strategy (MCAS) Implementation Subcommittee met on August 18, 2022 and the full AB 617 Community Steering Committee met on August 23, 2022. Commissioner Naranjo shared that at both meetings, Port staff presented the results of the Health Risk Assessment. Commissioner Naranjo reported that at the

Steering Committee meeting, staff from the Air Pollution Control District (APCD) provided a presentation regarding the evaluation of an Indirect Source Rule to reduce pollutant emissions from mobile sources at warehouses, distribution centers, and ports. Commissioner Naranjo also reported that staff from APCD presented the results of a survey which was conducted among Steering Committee members to gather feedback on the effectiveness of meetings as well as items to discuss at future meetings.

Commissioner Naranjo provided a report that she hosted a delegation of fellow port commissioners from Seattle and Tacoma on August 11 and 12, 2022. Commissioner Naranjo shared that there was a roundtable discussion on regional labor issues at the Port's General Services Building; an informative Waterside orientation around the Bay; a briefing on the Port's work in Diversity, Equity and Inclusion (DEI), electrification and Maritime Clean Air Strategy (MCAS) and Maritime; and a tour of the Port tidelands.

Chairman Malcolm shared the progress the Port is making on the development of the wetlands mitigation bank at Pond 20. Chairman Malcolm announced that the mitigation bank project benefits include protecting South Bay from storm surge and sea level rise. Chairman Malcolm stated that wetland restoration habitat is a win for the people of Imperial Beach and San Diego who live and work adjacent to the property and is good environmental and economic policy.

G. Special Recognition

Gina Jacobs, DEI Business & Community Partner, Diversity, Equity and Inclusion, shared that during the month of September, the Port acknowledges Hispanic Heritage month with a celebration on September 26; Mexican Independence Day on September 16; and Rosh Hashanah, the Jewish New Year, September 25-September 27.

Nydia Salas, Human Resources Technician, Human Resources, announced the presentation of service awards. Larry Hofreiter, Director, Parks and Recreation, recognized Terrie Eichholz, Senior Project Manager, Parks and Recreation and Tony Gordon, Director, Real Estate, recognized Darwin Vasquez, Architect, Development Services, for their 15 years of service with the Port.

H. President's Report.

Joe Stuyvesant, President/CEO, reported that on August 17, 2022, the Port hosted California State Transportation (CalSTA) Secretary, Toks Omishakin; CalTrans Director, Tony Tavares; CalTrans District 11 Director, Gustavo Dallarda; and from the Office of California Governor Gavin Newsom, Maurice Lyles and Zach Bunshaft. Mr. Stuyvesant shared that CalSTA leadership was impressed at how the Port is enhancing goods movement while being a good environmental steward.

Mr. Stuyvesant then reported that on August 23, 2022, the regular meeting of the State Lands Commission was held in the Port's board room. Mr. Stuyvesant shared that following the meeting, Chair, Betty Yee and staff for Lieutenant Governor Kounalakis, participated in an informative tidelands tour. Mr. Stuyvesant also said that there was a great discussion on equity, community benefits, the maritime economy, and all the improvements and initiatives underway in the District.

Mr. Stuyvesant shared that on September 7, 2022, Assemblyman Chris Ward presented a check to the Port for \$1.4 million from the recently passed state budget to address abandoned and derelict vessels near Zuniga Jetty Shoal. Mr. Stuyvesant stated that boats often wash ashore at Naval Base Coronado, presenting both public safety and navigational hazards, as well as environmental concerns with clean-up. Mr. Stuyvesant

said that this money will help the initial stages with enforcement procedures, and a long-term solution where the water in that area can be put to productive use with mussels and algae growth.

Lastly, Mr. Stuyvesant announced that the Port will be hosting students from the University of San Diego for the upcoming academic year through the #CaliforniansForAll initiative.

I. 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 5 - File 2022-0223; Item 8 - File 2022-0235; Item 9 - File 2022-0246; Item 19 - File 2022-0228; and Item 20 - File 2022-0026.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 11 - File 2022-0269; and Item 18 - File 2022-0270.

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

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0297](#) Approval of minutes for:

August 9, 2022 - CLOSED SESSION

August 9, 2022 - BPC MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board approved the August 2022 minutes. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Items 1 - 15; Resolution 2022-091; Resolution 2022-092; Ordinance 3056; Resolution 2022-093; Resolution 2022-094; Resolution 2022-095; Ordinance 3057; Resolution 2022-096; Resolution 2022-097; Ordinance 3058; Resolution 2022-098; Resolution 2022-099; Resolution 2022-100; Resolution 2022-101; Resolution 2022-102; Ordinance 3059; Ordinance 3060; Resolution 2022-103; Resolution 2022-104; Resolution 2022-105; Resolution 2022-106; Ordinance 3061; and Resolution 2022-107. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0181](#) RESOLUTION AUTHORIZING A PURCHASE AGREEMENT WITH HAWTHORNE MACHINERY CO. FOR THE PURCHASE OF AN EXTENDED REACH FORKLIFT IN AN AMOUNT NOT TO EXCEED \$300,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BUDGET

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-091 as part of the Consent agenda.
2. [2022-0216](#) RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY 21 GRANT PROGRAM, AND GRANTING INDEMNITY

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-092 as part of the Consent agenda.
3. [2022-0219](#) 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) 2023

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Ordinance 3056; and Resolution 2022-093 as part of the Consent agenda.

4. [2022-0222](#) RESOLUTION APPOINTING JANICE SPEROW AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 13, 2022 TO SEPTEMBER 1, 2023

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-094 as part of the Consent agenda.

5. [2022-0223](#) ELECTRICAL IMPROVEMENTS PHASE 3 AT TAMT

A) RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE DISTRICT FY 2023 BUDGET, TRANSFERRING \$1,200,000 FROM THE CAPITAL IMPROVEMENT PROGRAM APPROPRIATED ITEM (FROM COLD IRONING PHASE 2 AT B STREET AND BROADWAY PIERS PROJECT) TO THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATED ITEM FOR THE ELECTRICAL IMPROVEMENTS PHASE 3 AT TENTH AVENUE MARINE TERMINAL PROJECT PURSUANT TO BPC POLICIES NO. 90 AND NO. 120.

B) ORDINANCE AMENDING THE FY 2023 DISTRICT BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATED ITEM BY \$3,084,208 FOR THE ELECTRICAL IMPROVEMENTS PHASE 3 AT THE TENTH AVENUE MARINE TERMINAL PROJECT, SOURCED FROM LCFS PROCEEDS.

C) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED BASE BID SCHEDULE A AND ADDITIVE BID SCHEDULE B OF CONTRACT NO. 2021-09 TO LEED ELECTRIC INC. IN THE AMOUNT OF \$8,857,208 FOR THE ELECTRICAL IMPROVEMENTS PHASE 3 AT TENTH AVENUE MARINE TERMINAL PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION.

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-095; Ordinance 3057; and Resolution 2022-096 as part of the Consent agenda.

6. [2022-0226](#) CHULA VISTA MARINA LP LOCATED AT 550 MARINA PARKWAY, CHULA VISTA:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM CHULA VISTA MARINA LP TO SHM SOUTH BAY, LLC DBA SAFE HARBOR BAYFRONT; AND,

B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SOUTH BAY, LLC DBA SAFE HARBOR BAYFRONT TO UPDATE LEASE TO CURRENT TERMS; AND

C. RESOLUTION CONSENTING TO A SUBLEASE AMENDMENT BETWEEN CHULA VISTA MARINA LP AND STERLING MARINA MANAGEMENT, LLC FOR A SUBLEASE TERM EXTENSION OF EIGHT YEARS AND TEN MONTHS

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-097; Ordinance 3058; and Resolution 2022-098 as part of the Consent agenda.

7. [2022-0233](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH URETHANE PRODUCTS CORPORATION FOR AS NEEDED MARINE FENDER REPAIR SERVICES IN AN AMOUNT NOT TO EXCEED \$400,000 AND A DURATION OF FIVE (5) YEARS. FISCAL YEAR 2023 FUNDS 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 Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-099 as part of the Consent agenda.

8. [2022-0235](#) CONTINENTAL MARITIME OF SAN DIEGO, LLC (FORMERLY HII SAN DIEGO SHIPYARD, INC.) FACILITY IMPROVEMENT PROJECT AT 1995 BAY FRONT STREET IN SAN DIEGO:

A) ADOPT RESOLUTION ADOPTING ADDENDUM NO. 1 TO THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE "HII SAN DIEGO SHIPYARD, INC. MARGINAL WHARF REPAIR AND AS-NEEDED PILE REPLACEMENT PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION

B) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO CONTINENTAL MARITIME OF SAN DIEGO, LLC FOR THE FACILITY IMPROVEMENT PROJECT

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-100; and Resolution 2022-101 as part of the Consent agenda.

9. [2022-0246](#) CALIFORNIA AIR RESOURCES BOARD AND SAN DIEGO AIR POLLUTION CONTROL DISTRICT COMMUNITY AIR PROTECTION PROGRAM FUNDING FOR ELECTRICAL IMPROVEMENTS PHASE 3 AT THE TENTH AVENUE MARINE TERMINAL PROJECT

A) ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$2,723,000 FOR THE ELECTRICAL IMPROVEMENTS PHASE 3 AT THE TENTH AVENUE MARINE TERMINAL PROJECT, AND

B) ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY 2023 BUDGET, INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$2,723,000 FOR THE ELECTRICAL IMPROVEMENTS PHASE 3 AT THE TENTH AVENUE MARINE TERMINAL PROJECT. ADDITIONAL PROJECT 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 Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-102; and Ordinance 3059 as part of the Consent agenda.

10. [2022-0256](#) ORDINANCE AMENDING THE FY 2023 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BY \$250,000 TO PREPARE ENGINEERING ANALYSES FOR A POTENTIAL ABANDONMENT BY SLURRY FILLING OF THE FORMER SILVER GATE POWER PLANT COOLING WATER TUNNELS, TO BE FUNDED FROM A RECENT SETTLEMENT PAYMENT PERTAINING TO THE TUNNELS FROM SAN DIEGO GAS AND ELECTRIC COMPANY.

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Ordinance 3060 as part of the Consent agenda.

11. [2022-0269](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH _____ FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR THE SAN DIEGO ROWING CLUB SITE LOCATED AT 525 E. HARBOR DRIVE IN THE CITY OF SAN DIEGO FROM SEPTEMBER 14, 2022 TO SEPTEMBER 13, 2025 IN AN AMOUNT NOT TO EXCEED \$350,000 AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114. 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

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. [2022-0273](#) 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 \$950,000 FROM \$150,000 TO \$1,100,000; FY 2023 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 Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-103 as part of the Consent agenda.

13. [2022-0277](#) PARTICIPATION IN THE STATE'S LOW CARBON FUEL STANDARD PROGRAM:

A. RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE A LOCAL GOVERNMENT SERVICE AGREEMENT BETWEEN THE DISTRICT AND THE DEPARTMENT OF THE NAVY; AND

B. RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE AMENDMENT NO. 1 TO AGREEMENT WITH BLUE SOURCE, LLC, FOR MARKETING CONSULTANT FOR LCFS CREDITS REDUCING THE FEE, EXTENDING TERM FROM DECEMBER, 31 2024 TO DECEMBER, 31 2030, AND CONSENTING TO THE ASSIGNMENT FROM BLUE SOURCE, LLC, TO ANEW EV, LLC.

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-104; and Resolution 2022-105 as part of the Consent agenda.

14. [2022-0282](#) CONGRESSIONALLY DIRECTED FUNDING:
- A. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF CONGRESSIONALLY DIRECTED COMMUNITY INVESTMENT FUNDS IN THE AMOUNT OF \$1,000,000 FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) FOR THE HABITAT-FRIENDLY SHORELINE STRUCTURES: NATURE-BASED SHORELINE SOLUTIONS ALONG HARBOR ISLAND PARK IN SAN DIEGO BAY PROJECT, AND
- B. ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY2023 BUDGET, INCREASING EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATED ITEM, FOR THE ENVIRONMENTAL CONSERVATION DEPARTMENT, BY \$175,000 FOR THE HABITAT-FRIENDLY SHORELINE STRUCTURES: NATURE-BASED SHORELINE SOLUTIONS ALONG HARBOR ISLAND PARK IN SAN DIEGO BAY PROJECT

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-106; and Ordinance 3061 as part of the Consent agenda.

15. [2022-0283](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Urtasun seconded by Commissioner Castellanos, the Board adopted Resolution 2022-107 as part of the Consent agenda.

INFORMATIONAL ITEMS

16. [2022-0275](#) INFORMATIONAL PRESENTATION ON THE GREEN PORT 2021/2022 YEAR IN REVIEW, GREEN PORT MONTH, AND THE MICHELLE WHITE ENVIRONMENTAL AWARDS

Phil Gibbons, Program Director, Planning, joined by Mariela Rios, Sea Grant Fellow, Aquaculture and Blue Tech Team, and Karen Holman, Director, Environmental Protection, addressed the Board with staff's report and presentation regarding Informational Agenda Item 16 - File No. 2022-0275 (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

Adam Meyer, Real Estate; John Carter, Office of the General Counsel; Renee Yarmy, Maritime; Larry Schmitz, Terminalift; Darbi Berry, University of San Diego, Non-Profit Institute; Brian Collins, United States Fish & Wildlife Service Refuges; and David Gibson, San Diego Regional Water Quality Control Board, were awarded the 2022 Michelle White Environmental Awards.

Commissioner Castellanos provided a comment.

17. [2022-0281](#) PRESENTATION TO THE BOARD ON UPCOMING CLASSIFICATION AND COMPENSATION STUDY

Michelle Corbin, Director, Human Resources, joined by Eric Lawrence, Senior Benefits and Compensation Analyst, Human Resources, addressed the Board with staff's report and presentation regarding Informational Agenda Item 17 - File No. 2022-0281 (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

No Commissioner comments were provided.

ACTION AGENDA

18. [2022-0270](#) UPDATE ON DEVELOPMENT PROPOSAL FROM CAYS RESORT, LLC A DELAWARE LIMITED LIABILITY COMPANY, TO DEVELOP RV PARK MODELS IN THE CORONADO CAYS WITH DIRECTION TO STAFF REGARDING PROCESSING OF THE PROJECT APPLICATION

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.** [2022-0228](#) RESOLUTION APPROVING AMENDMENT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 120, CAPITAL IMPROVEMENT PROGRAM (CIP), MODIFYING THE ANNUAL FUNDING DETERMINATION AND THE PROJECT SELECTION PROCESS.
- Cid Tesoro, Vice President, Facilities and Engineering, joined by Job Nelson, Vice President, Strategy and Policy, Ernie Medina, Chief Engineer, Engineering-Construction, and Christian Braun, Program Manager, Engineering-Construction, addressed the Board with staff's report and presentation regarding Action Agenda Item 19 - File No. 2022-0228 (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 Urtasun, Commissioner Naranjo Commissioner Castellanos, Chairman Malcolm, Commissioner D. Moore, and Commissioner Zucchet provided comments and asked clarifying questions. Cid Tesoro, Ernie Medina, Christian Braun and Joe Stuyvesant responded.*
- This item was continued to a future Board meeting.**

- 20.** [2022-0026](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 11, 2022 MEETING
- On a motion by Commissioner Castellanos, seconded by Commissioner D. Moore, the Board approved the proposed agenda for October. The motion carried by the following vote:**
- Yeas:** 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet
- Nays:** 0
- Excused:** 1 - Ann Moore
- Absent:** 0
- Abstain:** 0
- Recused:** 0

OFFICER'S REPORT

- 21.** [2022-0284](#) OFFICER'S REPORT
- MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:

A) Change Order No. 1 to Emergency Contract No. 2022-13 with Cass Construction, Inc. dba Cass Arrieta - Reconciliation - Decreases Contract by \$196,405.01

B) Change Order No. 1 to Contract No. 2019-14 with Baker Electric, Inc. - 90 Calendar Day Time Extension thru 10-03-2022

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

None to Report

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

A) Rent Review Letter with Ferry Landing Associates for Rental Period Beginning 09-01-2022 thru 08-31-2032

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 (#70412) with Harbor Side Investment Corp. dba Sports Headquarter - Amends Lease Preamble to Replace Corporation Name with Infinitylights, Inc., and Sections 2.4, 3.1 & 5.1 Regarding Tenant's Guarantor, Permitted Use and Security Deposit Amount

B) Amendment No. 1 to Lease (#67815) with Marina Cortez, Inc. - Amends Paragraphs 2 (a) & 18 Regarding Boat Slip Renters 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

Tuesday, October 11, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 5 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Sandy Naranjo, and Commissioner Michael Zucchet

Excused: 2 - Commissioner Danielle Moore, and Commissioner Frank Urtasun

Absent: 0

Recused: 0

Commissioner A. Moore was excused until she arrived.

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. [2022-0313](#) Closed Session Item No. 1

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

No reportable action was taken on this item.

2. [2022-0314](#) Closed Session Item No. 2

PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

3. [2022-0316](#) Closed Session Item No. 3

PERSONNEL EVALUATION

PORT AUDITOR

Government Code Section 54957

No reportable action was taken on this item.

4. [2022-0317](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 105,635 square feet of land area and 290,143 square feet of water area, located at 4900 - 4930 North Harbor Drive, in the City of San Diego

Negotiating Parties:

Driscoll's Marine, Ltd., a California limited partnership - Tom Driscoll, Karen Driscoll

SDUPD - Shaun Sumner, Anthony Gordon, Chris Hargett, Christian de Manielle

Under Negotiations: Price and Terms

No reportable action was taken on this item.

5. [2022-0341](#) Closed Session Item No. 5

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Approximately 2,272 square feet of building area located at 885 W. Harbor Drive, San Diego

Negotiating Parties:

Hamptons Newport Beach, LLC dba Shorebird - Heinrich Stasiuk

SDUPD - Joe Stuyvesant, Anthony Gordon, Adam Meyer, Alexa Paulus, and Donovan Martinez

Under Negotiations: Price and Terms

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, October 11, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Frank Urtasun

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner A. Moore led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered items on the Closed Session Agenda with the exception of Item 4 which will be considered at the end of the meeting. Mr. Russell 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: Ted Godshalk, Carole Noska, and John Valente.

E. Board Committee Reports.

Commissioner Naranjo reported that the Audit Oversight Committee met on September 22, 2022. Commissioner Naranjo shared that Port Auditor, Mark Yeilding, provided a presentation on an agreement with TAP International, Inc. for Internal Audit Services; Jane Mascarenas, Assistant Port Auditor, presented the Port Auditor's Annual Report for Fiscal Year 2022; Mark Yeilding provided the Fraud Prevention Ethics Hotline update from July 1, 2022, through September 12, 2022; and Billy Marsh, Chief Information Security Officer, gave an update on cybersecurity, phishing, and the latest threats. Commissioner Naranjo announced that the next Audit Oversight Committee meeting is scheduled for December 1, 2022.

Commissioner Castellanos provided a report on the Environmental Advisory Committee (EAC) meeting held on September 14, 2022. Commissioner Castellanos announced that

the Committee received a presentation on the results of the first year of the San Diego Bay Eelgrass Blue Carbon Study, which was funded by the U.S. Maritime Administration, or MARAD, Maritime Environmental and Technical Assistance Program; an update on the progress to entitle the wetland Mitigation Bank at Pond 20; and an update on the Port's Environmental Education Program. Commissioner Castellanos announced that the next EAC meeting is planned for December 7, 2022.

Commissioner Castellanos announced that on September 15, 2022, he and fellow Commissioner Urtasun facilitated a Maritime Stakeholder Forum. Commissioner Castellanos shared that presentations were given on the Maritime Clear Air Strategy (MCAS) electrification efforts underway; work towards achieving some regional zero-emission charging infrastructure for heavy duty trucks; and updates on the Port's cruise and cargo business lines. Commissioner Castellanos also congratulated Maritime staff for their work on cargo business opportunities which allows steady work for International Longshore and Warehouse Union (ILWU), pilots, tug and barge partners and many others.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on three informational items from the September Transportation Committee of the San Diego Association of Governments. Commissioner Naranjo shared that the first item is a summary of the Bayshore Bikeway, Barrio Logan segment, of bikerider accommodations and best methods to improve bicyclist and pedestrian safety on Harbor Drive during construction of a 2.5-mile segment that stretches between Downtown San Diego and National City; the second item discussed was the Southbay to Sorrento Comprehensive Multimodal Portal Plan; the last item was the realignment of the freight and passenger rail tracks away from the Del Mar Bluffs. Commissioner Naranjo explained that the rail link is of vital importance to the Port, as car importer Pasha Automotive relies on it to transport imported vehicles from the National City Marine Terminal.

Commissioner Naranjo announced that the monthly AB 617 Portside Community Steering Committee meeting was held on September 27, 2022. Commissioner Naranjo reported on three items of interest on the agenda: Staff from the San Diego Air Pollution Control District (APCD) gave an update on community emissions monitoring; APCD Staff presented the Annual Community Emission Reduction Plan Progress Report for the 2022 reporting period (June 2021 - July 2022); and Port Staff presented the results of a Request for Information (RFI) regarding Zero Emission Infrastructure for Heavy-Duty Trucks Serving the Port and San Diego. Commissioner Naranjo then reported that Maggie Weber from the Port's Energy and Policy team provided the presentation summarizing the responses that were obtained from a recent RFI released over the summer which solicited information regarding the development and operation of sites where zero emission infrastructure such as charging stations and/or hydrogen fueling stations could be sited.

Commissioner Naranjo also reported on the Global Clean Energy Action Forum, convened by the US Department of Energy, where clean energy leaders from around the globe are united to accelerate the clean energy transition while responding to global security needs. This forum featured high level plenary topical round tables with experts such as: Jennifer Granholm, Secretary, US Department of Energy; John Kerry, U.S. Special Presidential Envoy for Climate; Bill Gates; Liz Shuler, President, AFL-CIO; and Ramon Cruz, President of Sierra Club. Commissioner Naranjo added that she was honored to be a featured speaker on the Clean Energy Marine Hubs Platform & Ports for People - Accelerating Action panel, which focused on the critical role of maritime in the global transition from the use of fossil fuels to zero emissions.

Commissioner Naranjo then shared that she was invited by San Diego County Supervisor Vice Chair, Nora Vargas, to be a guest speaker on the Clean Air Day Panel. Also on the panel were: Diane Takvorian, Executive Director, Environmental Health Coalition; Lisa Cuestas, Executive Director, Casa Familiar; Paula Forbis, Air Pollution Control Officer, San Diego County Air Pollution Control District; and Liane Randolph, Chair, California Air Resources Board. The topic for the panel was advancing air quality in our region's front line communities.

Commissioner Castellanos provided a report on the Thriving Cities Trade Mission to the Netherlands. Commissioner Castellanos stated that he, along with Commissioners Danielle Moore, Frank Urtasun, and President/CEO Joe Stuyvesant, were a part of the World Trade Center San Diego delegation. A highlight during the tour was the visit to the Port of Rotterdam, the largest port in Europe, and seeing their successful electrification efforts in a highly competitive maritime cargo market. Commissioner Castellanos shared that an important lesson learned was that the concepts of economic development and environmental sustainability--clean air and business--are not mutually exclusive, and how the Port of Rotterdam courts a "coalition of the willing" and focuses on doing business with companies that want to electrify operations.

Commissioner Danielle Moore, added that it was a privilege to be part of the World Trade Center San Diego's trade delegation. Commissioner Moore shared that in addition to the trade mission to the Netherlands, she and President/CEO Stuyvesant took a side trip to Dusseldorf, Germany for a first-hand status report on the construction of the two electric-powered cranes that will replace the diesel-powered crane at the Tenth Avenue Marine terminal. Purchase of the cranes from manufacturer Konecranes was approved by the Board last January. The cranes are being paid for with more than \$14 million in federal stimulus funds. When delivered here next summer, they will be the first all-electric mobile harbor cranes in North America. In addition to eliminating harmful air emissions, the new cranes will have a lift capacity of 400 metric tons – four times the lift capacity of the diesel-powered crane that it will replace. The E-cranes will advance the long-term goal of the Port's Maritime Clean Air Strategy, or MCAS, of achieving 100 percent zero-emission cargo handling equipment by 2030.

G. Special Recognition.

Cheryl Smoot, DEI Business & Community Partner, Diversity, Equity and Inclusion (DEI), announced that in the month of October, the Port celebrated National Disability Employment Awareness which included: a seminar on Fighting the Stigma of Mental Illness held on October 10, 2022; DEI's participation in Jobtoberfest, a job fair designed for people with disabilities seeking employment; and a presentation and activity from Arc of San Diego, an organization that provides learning opportunities and resources to individuals with intellectual or developmental disabilities. Ms. Smoot acknowledged other cultural celebrations also taking place this month: Yom Kippur observed on October 4 and 5; and Filipino American History Month.

Harbor Police Chief Magda Fernandez recognized the incredible work of four Harbor Police employees; Corporal Matthew Oakley, Benevolent and Protective Order of Elks Lodge Recognition; LaShonnu Bolognese, Harbor Police Dispatcher of the Year; Corporal Michael Saiz, North San Diego Business Chamber "Honoring Our Heroes"; and Officer Janel Seney, American Red Cross - 2022 San Diego Real Heroes Awards.

H. President's Report.

Joe Stuyvesant, President/CEO, announced that for the 2023 cruise season, there are 140 cruise calls confirmed and scheduled which is a 40% increase.

Mr. Stuyvesant reported that the Port received a 5.55M grant from the Maritime Administration for the M-5 designated Marine Highway program which will be split with the Port of Bellingham.

Mr. Stuyvesant shared that on September 19, 2022, the Port held the first of three workshops "How to do Business with the Port" where about 200 in-person or virtual attendees learned about the Port, and their best opportunities. Mr. Stuyvesant also shared the topics which will be the focus of the second and third workshops.

Lastly, Mr. Stuyvesant recognized the Finance Department for once again earning the Certificate of Achievement for Excellence in Financial Reporting for its Annual Comprehensive Financial Report for Fiscal Year 2021 from the Government Finance Officers Association. Mr. Stuyvesant shared that this is the eighth consecutive year the Port has received this honor, which is considered the highest form of recognition in government accounting and financial reporting.

I. 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 19 - File 2022-0278; and Item 21 - File 2022-0339.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2022-0346; Item 18 - File 2022-0320, and Item 20 - File 2022-0336.

On a motion by Commissioner A. Moore, seconded by Commissioner D. Moore, the Board adopted the requested docket changes. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 2 - Dan Malcolm, and Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0349](#) Approval of minutes for:

September 13, 2022 - CLOSED SESSION

September 13, 2022 - BPC MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Naranjo, the Board approved the September 2022 minutes. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 1 - Ann Moore

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Items 2 - 14, 16 and 17; Ordinance 3062; Resolution 2022-108; Resolution 2022-109; Resolution 2022-110; Resolution 2022-111; Resolution 2022-112; Resolution 2022-113; Resolution 2022-114; Resolution 2022-115; Resolution 2022-116; Resolution 2022-117; Resolution 2022-118; Resolution 2022-119; Resolution 2022-120; Resolution 2022-122; Ordinance 3064 and Resolution 2022-123. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0346](#) 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 FY2021 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.

2. [2022-0238](#) SCHEDULE OF COMPENSATION
A) ORDINANCE AMENDING SALARY ORDINANCE NO. 3056 ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED

PORT DISTRICT"

B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2022/2023

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Ordinance 3062 and Resolution 2022-108 as part of the Consent agenda.

3. [2022-0252](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH KOFF & ASSOCIATES TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY FOR AN AMOUNT NOT TO EXCEED \$291,725. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE 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 2022-109 as part of the Consent agenda.

4. [2022-0254](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENT NO. 88-2022JR WITH COUNTYWIDE MECHANICAL SYSTEMS, INC, FOR FULL-SERVICE HVAC SYSTEM MAINTENANCE AND REPAIR SERVICES AT DISTRICT FACILITIES FROM JANUARY 1, 2023 TO JUNE 30, 2026 IN AN AMOUNT NOT TO EXCEED \$800,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE AMOUNT OF \$123,000. 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 2022-110 as part of the Consent agenda.

5. [2022-0255](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-07 TO LOGHMANI & ASSOCIATES DESIGN GROUP, INC., DBA L.A. DESIGN GROUP-WLA, IN THE AMOUNT OF \$1,430,000 FOR THE IMPERIAL BEACH PIER ENHANCEMENTS PHASE 2 PROJECT, IMPERIAL BEACH, AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION AND THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

The following member(s) of the public addressed the Board with agenda-related comments: Yannick Fagan, Veterans Art Project.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-111 as part of the Consent agenda.

6. [2022-0259](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 WITH HAWTHORNE MACHINERY CO. FOR AS-NEEDED HEAVY EQUIPMENT RENTAL SERVICES. THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT WILL BE INCREASED BY \$175,000 FOR A NEW MAXIMUM AMOUNT OF \$350,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2023 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 Naranjo, the Board adopted Resolution 2022-112 as part of the Consent agenda.

7. [2022-0260](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH TAP INTERNATIONAL, INC. FOR AS-NEEDED INTERNAL AUDIT SERVICES FOR AN AMOUNT NOT TO EXCEED \$300,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE 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 2022-113 as part of the Consent agenda.

8. [2022-0268](#) RESOLUTION APPROVING PROCLAMATION IN RECOGNITION OF OCTOBER 2022 AS "CELEBRATION OF THE ARTS MONTH" IN SUPPORT OF NATIONAL ARTS AND HUMANITIES MONTH

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-114 as part of the Consent agenda.

9. [2022-0272](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT BETWEEN SAN DIEGO UNIFIED PORT DISTRICT AND AFTZ LLC (SERVICE PROVIDER) FOR CUSTOMS BORDER PROTECTION REPORTING & FOREIGN TRADE ZONE ACTIVATION AND OPERATOR SERVICES AT TENTH AVENUE MARINE TERMINAL FOR AN AMOUNT NOT-TO-EXCEED \$367,000 AND A DURATION OF FIVE YEARS. FISCAL YEAR (FY) 2023 FUNDS ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE 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 2022-115 as part of the Consent agenda.

10. [2022-0280](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BOARD OF PORT COMMISSIONERS POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS, WITH NO CHANGES FROM PRIOR YEAR.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-116 as part of the Consent agenda.

11. [2022-0287](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF THREE (3) FORD INTERCEPTOR PATROL VEHICLES IN AN AMOUNT NOT TO EXCEED \$183,601.62. BUDGETED IN FISCAL YEAR 2023 EQUIPMENT OUTLAY FUNDS.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-117 as part of the Consent agenda.

12. [2022-0307](#) ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY23 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$108,089 AND GRANTING INDEMNITY

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-118 as part of the Consent agenda.

13. [2022-0308](#) RESOLUTION CONSENTING TO A TEN-YEAR EASEMENT BETWEEN MARINE GROUP BOAT WORKS, LLC AND SAN DIEGO GAS AND ELECTRIC COMPANY, AS REQUIRED BY THE POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM, FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT 997 G STREET IN THE CITY OF CHULA VISTA, CALIFORNIA

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-119 as part of the Consent agenda.

14. [2022-0311](#) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE SAN DIEGO HARBOR POLICE OFFICERS ASSOCIATION

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-120 as part of the Consent agenda.

16. [2022-0196](#) EICHENLAUB MARINE, INC., DBA EICHENLAUB MARINE LOCATED AT 2608 SHELTER ISLAND DRIVE, SAN DIEGO:

A) RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM EICHENLAUB MARINE, INC. DBA EICHENLAUB MARINE TO THE OLDE BOAT YARD

LLC.

B) ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO THE OLDE BOAT YARD LLC., TO UPDATE LEASE TO CURRENT LEASE TERMS.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Resolution 2022-122 and Ordinance 3064 as part of the Consent agenda.

17. [2022-0315](#) 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 2022-123 as part of the Consent agenda.

18. [2022-0320](#) A) RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$XXX,XXX FOR AN INCREASE TO THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL (TAMT) PROJECT BUDGET TO BE FUNDED BY THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT AGREEMENT NO. EPC-17-049.

B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 20-06 MICROGRID INFRASTRUCTURE AT TAMT PROJECT FOR A CONTRACT TIME EXTENSION OF XXX CALENDAR DAYS TO ALIGN WITH THE COMPLETION OF THE SOLAR PHOTOVOLTAIC SYSTEM, AND TO INCREASE THE CONTRACT VALUE BY \$XXX,XXX TO INTEGRATE THE NEW ELECTRIC CRANES TO THE MICROGRID CONTROLLER, FOR A REVISED TOTAL CONTRACT VALUE OF \$X,XXX,XXX.

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

15. [2022-0261](#) SEAPORT VILLAGE:
- A) ORDINANCE GRANTING A LEASE TO 807 SEAPORT LLC DBA 3RD BASE FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 807 W. HARBOR DRIVE IN SAN DIEGO FOR AN APPROXIMATELY 10-YEAR INITIAL TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF APPROXIMATELY 15 YEARS) WITH \$760,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2024 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT

VILLAGE TENANT IMPROVEMENTS ALLOWANCES

B) RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO 1) INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$250,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,300,000 AND 2) INCREASE THE TERM OF THE AGREEMENT BY ONE (1) YEAR FOR A TOTAL TERM OF SIX (6) YEARS 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

On a motion by Commissioner Castellanos seconded by Commissioner D. Moore, the Board adopted Ordinance 3063 and Resolution 2022-121. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, and Michael Zucchet

Nays: 1 - Sandy Naranjo

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

- 20.** [2022-0336](#) MUNICIPAL SERVICES AGREEMENTS
- A) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF NATIONAL CITY
- B) RESOLUTION ESTABLISHING AN UPDATED BASELINE RATE AND SCOPE OF SERVICES UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA

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.** [2022-0339](#) PRESENTATION AND DIRECTION TO STAFF ON POTENTIAL PUBLIC FINANCING MODEL FOR PUBLIC INFRASTRUCTURE AND PARKS AS A PART OF THE REDEVELOPMENT OF A PORTION OF THE CENTRAL EMBARCADERO DISTRICT BY 1HWY1, LLC (SEAPORT SAN DIEGO PROJECT)

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager,

Real Estate, Adam Meyer, Assistant Director, Real Estate, Elizabeth Alonso, Senior Deputy General Counsel, Office of the General Counsel, and representatives of the 1HWY1 Team, including Yehudi Gaffen and Paul Guarini, addressed the Board with staff's report and presentation regarding Informational Agenda Item 21 - File No. 2022-0339 (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: Amalia Bowley Fuentes, Lozeau Drury LLP; Betsy Brennan, Downtown San Diego Partnership; Cathy O'Leary Carey and John Carey; Kerri Kapich, COO, San Diego Tourism Authority; Carol Kim, San Diego County Building & Construction Trades Council; Denise Ariano; Don Wood; Fran Pillersdorf; Janet Rogers, Embarcadero Coalition; Lindsay Broughton; Lauren Canzares, San Diego Regional Chamber of Commerce; Richard Barrera, San Diego Unified School Board; Richard Goldberg.

Commissioner Castellanos, Commissioner Zucchet, Commissioner A. Moore, and Chair Malcolm provided comments and asked clarifying questions. Adam Meyer and Yehudi Gaffen responded.

PUBLIC HEARING AGENDA

19. [2022-0278](#) CONDUCT PUBLIC HEARING FOR NATIONAL CITY BAYFRONT PROJECT AND NATIONAL CITY BALANCED PLAN PORT MASTER PLAN AMENDMENT:
- A. ADOPT A RESOLUTION CERTIFYING THE "NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS" FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
- B. ADOPT RESOLUTION APPROVING THE "NATIONAL CITY BALANCED PLAN" PORT MASTER PLAN AMENDMENT, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

Anna Buzaitis, Program Director, Planning, joined by Jason Giffen, Vice President, Planning and Environment, Lesley Nishihira, Director, Planning, and Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Informational Agenda Item 19 - File No. 2022-0278 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Malcolm opened the Public Hearing.

The following member(s) of the public addressed the Board with agenda-related comments: Mayor Alejandra Sotelo-Solis, Mayor of the City of National City; Council Member Ron Morrison, City of National City; Council Member Jose Rodriguez, City of National City, Commissioner Emeritus Dukie Valderrama; Millie Morales on behalf of Rocina Lizarraga, National City School Board Trustee; Ted Godshalk; Margaret Godshalk; Kelsey Genesi, Environmental Health Coalition; Greg Boeh, Chief Operating Officer, GB Capitol Holdings; Ernesto Flores, Teamsters Local 683; Matt Everingham,

San Diego Fisherman's Working Group; Fernanda Flores, IATSE Local 122; Aida Castaneda; Sophie Silvestri, Pasha; Amalia Bowley Fuentes, Lozeau Drury LLP; Chairman of National City Chamber of Commerce; Dr. Stan Rodriguez, President Kumeyaay Community College; Karina Contreras, Climate Action Campaign; Marcus Bush; Sal Espinoza, Communication Workers of America Local 9509; Sylvia Cansada; Angelica Ramirez; Alicia Sanchez; Carmen Arroyo; Carmen Graciola; Margarita Moreno; Patricia Rodriguez; and Teresa Olivo.

Chairman Malcolm closed the Public Hearing.

Chairman Malcolm stated that due to the fact that a 148 page comment letter was received, in an abundance of caution, and to allow time to review the letter, this item is continued until the November 8th Board Meeting.

This item was continued to a future Board meeting.

22. [2022-0027](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE NOVEMBER 8, 2022 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner D. Moore, the Board approved the proposed agenda for November. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

23. [2022-0337](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2020-11 with Perimeter Security Group, LLC - 30 Calendar Day Time Extension thru 08-03-2022

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

None to Report

MONTHLY NOTIFICATION OF RENT REVIEWS CONSENTED TO

ADMINISTRATIVELY PURSUANT TO BPC POLICY NO. 355 AS
AMENDED ON JANUARY 10, 2017:

A) Rent Review Letter with Star & Crescent Boat Company dba Flagship
Cruises & Events for Rental Period Beginning 02-01-2022 thru 01-31-2032

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

A) Encumbrance Review and Consent Memo with Conditional Consent for
Lease with Cahuenga III, LLC dba Kona Kai Resort and Marina

B) Encumbrance Review and Conditional Consent for Second Amended
and Restated Lease with The Brigantine, Inc. dba Ketch Grill and Taps in
Favor of Bank of America, N. A.

C) Encumbrance Review and Conditional Consent for Lease with The
Brigantine, Inc. dba Portside Pier in Favor of Bank of America, N. A.

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 (#72949) with ALEXCO-USA, Inc. dba
Zytoun Gourmet Mediterranean - Amends Section 1 for Description of
Premises



*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, November 8, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Commissioner A. Moore and Commissioner D. 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. [2022-0380](#) Closed Session Item No. 1

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

No reportable action was taken on this item.

2. [2022-0381](#) Closed Session Item No. 2

PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

3. [2022-0382](#) Closed Session Item No. 3

PERSONNEL EVALUATION

PORT AUDITOR

Government Code Section 54957

No reportable action was taken on this item.

4. [2022-0383](#) Closed Session Item No. 4

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Properties: SDUPD - Parcels consisting of approximately 419,823 square feet of land area and 358,756 square feet of water area at 997 G Street, Chula Vista

Negotiating Parties:

Marine Group Boat Works, LLC - Todd Roberts

SDUPD - Shaun Sumner, Anthony Gordon, Adam Meyer, Amber Jensen, Michael LaFleur

Under Negotiations: Price and Terms

No reportable action was taken on this item.



Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, November 8, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

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

B. Pledge of Allegiance.

Commissioner Urtasun led the pledge of allegiance.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered items on the Closed Session Agenda. Mr. Russell 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: Neil Sholander, Teamsters 911; Mitch Conniff, Point Loma Commercial Fishing Alliance; Jimmy Silveira, Chula Seafood; Tommy Gomes, Tunaville Market & Grocery; Tom Driscoll, Driscoll's Wharf; Lisa Brenden; and Lawrence (Larry) Emerson, Electric Vehicle Association and San Diego Sequel.

The following member(s) of the public did not address the Board but stood in support of Point Loma Commercial Fishing Alliance: Greg Hett, Commercial Fisherman, Temptation Crew; Patrick Barrett, Driscoll's Wharf; Lee Hope, Owner, FL Hope Architecture; Cameron Cribben, Owner, Tunaville; Lena Goldberg; Anthony Pascale, Owner, Saiko Sushi; K C Montgomery, Commercial Fisherman.

E. Board Committee Reports.

None.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on the Portside AB 617 Community Steering Committee which met on October 25, 2022. Commissioner Naranjo shared that staff from the San Diego Air Pollution Control District (APCD) provided a presentation of their Draft Regional Air Quality Strategy and that APCD also provided a presentation on air monitoring that is being conducted at four different sites within the Portside Community.

Chairman Malcolm reported on the Poseidon Groundbreaking Restoration Ceremony on October 22, 2022. Chairman Malcolm shared that the project will create, restore and enhance approximately 125 acres of coastal wetland and salt marsh habitat in the San Diego Bay National Wildlife Refuge. Chairman Malcolm stated that he had the opportunity to speak at the event and was joined by Andy Yuen, Project Leader, U.S. Fish and Wildlife Service; Sachin Chawla, President, Poseidon Resources; and Greg Cox, former San Diego County Supervisor.

G. Special Recognition

Gina Jacobs, DEI Business & Community Partner, Diversity, Equity and Inclusion (DEI), announced that in the month of November the Port acknowledges three heritage celebrations: Native American Heritage Month, in which the Port staff will have the opportunity to participate in an educational and cultural event when the Barona Cultural Center and Museum come to the Port to share their history, traditional life and exhibit of artifacts; Dia de los Muertos, a Mexican holiday where families welcome back the souls of their deceased relatives for a brief reunion that includes food, drink and celebration; and Veterans Day, honoring veterans of the U.S. Armed Forces.

H. President's Report.

Joe Stuyvesant, President/CEO, reported that Fitch Ratings performed a business assessment of the Port's finances for Fiscal Year 2022 and affirmed the A+ stable outlook rating on the Port's outstanding bonds, originally issued in 2004. Mr. Stuyvesant thanked the Finance department who worked hard providing answers and information to get that rating.

Mr. Stuyvesant announced that the old cafe on the 2nd floor has been transformed into an inviting place for Port staff to gather and take a break while having some breakfast, coffee or lunch. Mr. Stuyvesant thanked the General Services department and the Real Estate department and shared that the space was transformed in under 90 days at a very low cost.

Mr. Stuyvesant reported that the Port will host a meeting and tour of the two Maritime terminals with U.S. Bank's Shippers & Carriers Group. Mr. Stuyvesant said the group includes representatives from J. B. Hunt, Michelin, Nissan, FedEx and Yellow Freight Shipping & Logistics. Mr. Stuyvesant stated that this a great opportunity for our Maritime team to showcase the Port's excellent customer service and discuss potential business opportunities in the future.

Lastly, Mr. Stuyvesant shared that in recognizing the importance of cruise calls to the regional economy and in the interest of deepening relationships with cruise operators, some Port staff toured the Disney Wonder on November 4, 2022. Mr. Stuyvesant said the tour helped to better understand the operational needs of a cruise ship and give a sense of what cruise passengers experience when they embark and disembark in San Diego.

I. 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 13 - File 2022-0334; and Item 16 - File 2022-0372.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2022-0379; Item 16 - File 2022-0372, Item 17 - File 2022-0357; Item 18 - File 2022-0370; and Item 19 - File 2022-0371.

On a motion by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board adopted the requested docket changes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2022-0384](#) Approval of minutes for:

October 11, 2022 - CLOSED SESSION

October 11, 2022 - BPC MEETING

On a motion by Commissioner Naranjo, seconded by Commissioner D. Moore, the Board approved the October 2022 minutes. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

On a motion by Commissioner Naranjo, seconded by Commissioner D. Moore, the Board adopted Items 2 - 12; Resolution 2022-124; Resolution 2022-125; Resolution 2022-126; Resolution 2022-127; Resolution 2022-128; Resolution 2022-129; Resolution 2022-130; Resolution 2022-131; Ordinance 3065; Resolution 2022-132; Resolution 2022-133; and Ordinance 3066. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0379](#) A) RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$148,420.51 FOR AN INCREASE TO THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL (TAMT) PROJECT BUDGET TO BE FUNDED BY THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT AGREEMENT NO. EPC-17-049.

B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 20-06 MICROGRID INFRASTRUCTURE AT TAMT PROJECT FOR A CONTRACT TIME EXTENSION OF XXX CALENDAR DAYS TO ALIGN WITH THE COMPLETION OF THE SOLAR PHOTOVOLTAIC SYSTEM, AND TO INCREASE THE CONTRACT VALUE BY \$148,420.51 TO INTEGRATE THE NEW ELECTRIC CRANES TO THE MICROGRID CONTROLLER, FOR A REVISED TOTAL CONTRACT VALUE OF \$3,196,704.75.

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. [2022-0300](#) RESOLUTION AUTHORIZING AGREEMENTS WITH NTT AMERICA, INC., FOR QUANTUM STORAGE FOR VIDEO SURVEILLANCE RETENTION, IN A COLLECTIVE AMOUNT NOT TO EXCEED \$800,101.32, AND AUTHORIZING SUBSEQUENT MAINTENANCE SUPPORT RENEWALS WITH A FIVE-YEAR TOTAL COST OF OWNERSHIP OF \$1,235,101.32. FY 2023 EXPENDITURES ARE BUDGETED IN THE DISTRICT'S ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY

APPROPRIATED ITEM AND EXPENDITURES FOR FUTURE MAINTENANCE SUPPORT RENEWALS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR'S BUDGET, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-124 as part of the Consent agenda.

3. [2022-0303](#) RESOLUTION APPOINTING MOHAMMAD EDREES DAWARIE TO THE SAN DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE FOR A TERM OF THREE YEARS DURATION COMMENCING MARCH 1, 2023

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-125 as part of the Consent agenda.

4. [2022-0312](#) RESOLUTION AUTHORIZING THE CONTINUED PURCHASE OF SOFTWARE MAINTENANCE FOR COMPUTER AIDED DISPATCH (CAD) SYSTEM FROM LOGISTIC SYSTEMS, INC., AND APPROVING THE 5-YEAR TOTAL COST OF OWNERSHIP OF THE CAD SOFTWARE, IN ACCORDANCE WITH THE BOARD OF PORT COMMISSIONERS POLICY NO. 110. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE HARBOR POLICE DEPARTMENT OPERATIONAL BUDGET IN THE AMOUNT OF \$55,565. 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 Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-126 as part of the Consent agenda.

5. [2022-0319](#) RESOLUTION ESTABLISHING THE BOARD OF PORT COMMISSIONERS' REGULAR MEETING DATES FOR CALENDAR YEAR 2023

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-127 as part of the Consent agenda.

6. [2022-0321](#) RESOLUTION AUTHORIZING SOLE SOURCE PURCHASE AGREEMENT WITH BEST COMMUNICATION NETWORKS, FOR AXIS THERMAL CAMERAS, IN AN AMOUNT NOT TO EXCEED \$180,828.31. FY 2023 EXPENDITURES ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM'S CAPITAL PROJECT BUDGET AND EXPENDITURES FOR FUTURE SUBSCRIPTIONS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR'S BUDGET, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-128 as part of the Consent agenda.

7. [2022-0330](#) RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH BAE SYSTEMS SAN DIEGO SHIP REPAIR, INC. (BAE) REGARDING LOW CARBON FUEL STANDARD CREDITS GENERATED FROM ELIGIBLE ELECTRIFIED EQUIPMENT LOCATED AT BAE SYSTEMS FOR USAGE COVERING THE PERIOD FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2025.

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-129 as part of the Consent agenda.

8. [2022-0343](#) RESOLUTION AUTHORIZING SINGLE SOURCE AGREEMENT WITH URBAN CORPS OF SAN DIEGO COUNTY FOR GRAFFITI REMOVAL SERVICES FROM JANUARY 1, 2023, TO JUNE 30, 2027, IN AN AMOUNT NOT TO EXCEED \$400,000. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2023 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 Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-130 as part of the Consent agenda.

9. [2022-0345](#) ACTIONS RELATED TO THE PORT SECURITY GRANT PROGRAM (PSGP):
A) RESOLUTION ACCEPTING THE FY22 PORT SECURITY GRANT PROGRAM FY22 PSGP) AWARD IN THE AMOUNT OF \$637,500, REQUIRING A COST MATCH OF \$212,500, AND AUTHORIZING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY (DHS/FEMA).

B) ADOPT AN ORDINANCE AMENDING THE DISTRICT'S FY2023 BUDGET:

- 1) INCREASING THE HARBOR POLICE DEPARTMENT NPE BUDGET BY \$75,000 TO REFLECT FY22 PSGP FUNDS, AND
2) INCREASING EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS BY \$1,213,334 TO REFLECT FY21 PSGP FUNDS ACCEPTED BY THE BOARD IN OCTOBER 2021.

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-131 and Ordinance 3065 as part of the Consent agenda.

10. [2022-0358](#) RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE BLUE ECONOMY INCUBATOR AGREEMENT WITH SUNKEN SEAWEEED LLC FOR SEAWEEED FARM DEMONSTRATION PROJECT TO FACILITATE

SCALING FOR MARKET, EXPANDING AND EXTENDING THE PILOT PROJECT, INCREASING FUNDING BY \$100,000 FOR A TOTAL AMOUNT NOT TO EXCEED \$237,000, AND INCREASING THE DISTRICT'S REVENUE SHARE PERIOD AND REVENUE SHARE PERCENTAGE. FUNDS ARE BUDGETED IN FY 2023 ECONOMIC RECOVERY PROGRAM BUDGET

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-132 as part of the Consent agenda.

11. [2022-0359](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Resolution 2022-133 as part of the Consent agenda.

12. [2022-0368](#) SEAPORT VILLAGE:

ORDINANCE GRANTING AMENDMENT NO. 1 TO LEASE WITH HAMPTONS NEWPORT BEACH LLC, DBA SHOREBIRD AT 885 W. HARBOR DRIVE IN THE CITY OF SAN DIEGO TO INCREASE THE TENANT IMPROVEMENT ALLOWANCE TO \$371,550, MODIFY THE RENT COMMENCEMENT DATE TO THE EARLIER OF OPENING FOR BUSINESS OR MAY 1, 2023, AND AMENDING OTHER LEASE PROVISIONS

On a motion by Commissioner Naranjo seconded by Commissioner D. Moore, the Board adopted Ordinance 3066 as part of the Consent agenda.

ACTION AGENDA

13. [2022-0334](#) PROPOSED SEAPORT REDEVELOPMENT - SEAPORT SAN DIEGO PROJECT:
- A) RECEIVE A PRELIMINARY PROJECT REVIEW PRESENTATION; AND
 - B) ADOPT A RESOLUTION AUTHORIZING STAFF TO COMMENCE ENVIRONMENTAL REVIEW IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE NATIONAL ENVIRONMENTAL POLICY ACT, IF APPLICABLE, FOR THE PROPOSED SEAPORT SAN DIEGO PROJECT

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager, Real Estate, Adam Meyer, Assistant Director, Real Estate, Lesley Nishihira, Director, Planning, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, and presenting from the 1HWY1 team, Yehudi Gaffen, and James Mellor, addressed the Board with staff's report and presentation regarding Action Agenda Item 13 - File No. 2022-0334 (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: Bernadette Moriarty; Mariam Polckin; Latanya Cline; Erin Chew; Jane Bausa; Ben Hadaad, San Diego Airport Authority; Pete Halmay, President, San Diego Fisherman's Working Group; Brooks Rogers; Tanner Saraspe; Sara Beveridge; Kim Bidermann; Matt Everingham, Everingham Bros Bait; Deborah Cushman; Paul Kroeger; Brigitte Browning; Gaidi Finnie, Executive Director, San Diego African American Museum of Fine Arts; Julie Coker, President and CEO, San Diego Tourism Authority; Betsy Brennan, President and CEO, Downtown San Diego Partnership; Cameron; Carol Kim, Business Manager, San Diego County Building & Construction Trades Council; Unidentified Caller; Clifford Weiler; Dave Gauthier, Business Manager, Smart Local 206; David Johnson, Local 2299; David Zepeda, Local 1399; Deborah Barbano; Denise Ariano; Don Wood; Elizabeth Morris; Gretchen Newsom, IBEW 569; Harry Helling, Executive Director, Birch Aquarium Scripps Institution of Oceanography the University of California; Imani; Jason Paguio, President and CEO, Asian Business Association of San Diego; Jeremy Abrams, IBW 669; Judith Swink; Kathy O'Leary Carey and John Carey; Laura Campos; Lauren Cazares, San Diego Regional Chamber of Commerce; Lou Coming; Marjorie and Neil Larson; Nicanora Montenegro; Nikhil Pentagonda; Richard Barrera, San Diego Unified School Board; Unidentified Caller; Robert Ninneman, Operating Union Local 12; Robin; Susan Baldwin; Susan Simon, Co-Chair, Embarcadero Coalition; Ted Tanner, Executive President, Real Estate, AEG; Tim; Yvonne Fowler; and Yvonne Sphinx.

Commissioner Castellanos, Commissioner Zucchet, Commissioner A. Moore, Commissioner Naranjo, Commissioner Urtasun, Commissioner D. Moore and Chairman Malcolm provided comments and asked clarifying questions. Lesley Nishihira, Yehudi Gaffen, Rebecca Harrington and Rob Sloop, Moffatt & Nichol, responded.

Commissioner Castellanos called for a motion to include the following in the project objectives for the Draft Environmental Impact Report: Protect and enhance the commercial fishing industry; Provide equal to, or exceed, current recreational open space; Preserve and enhance view corridors and water view; and as requested by Chairman Malcolm, add optional project features to the CEQA process which include: Preserving Water Zone 2 transient dockage for water mobility access as shown in a modified configuration; Inclusion of a water cut feature; and, Study of the Market Pier angle in Reduced Water Zone 4 from July 2022 but no change to the removal of interior docks. Chairman Malcolm seconded the motion, and the Board adopted: Resolution 2022-134. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

14. [2022-0338](#) RESOLUTION APPROVING AMENDMENT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 120, CAPITAL IMPROVEMENT PROGRAM (CIP), REVISING AND RENAMING THE POLICY AS THE BALANCED CAPITAL PROGRAM (BCP).

Cid Tesoro, Vice President, Facilities and Engineering, joined by Ernie Medina, Chief Engineer, Engineering-Construction, addressed the Board with staff's report and presentation regarding Action Agenda Item 14 - File No. 2022-0338 (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: Brad Raulston, City Manager, National City.

Commissioner A. Moore, Chairman Malcolm, Commissioner Naranjo, Commissioner Zucchet and Commissioner Castellanos provided comments and asked clarifying questions. Cid Tesoro and Joe Stuyvesant responded.

Commissioner Castellanos called for a motion to amend BPC Policy No. 120, adding the word "equitable" in the first bullet point under Purpose, so that the language reads "To distribute the Port's capital investments in a balanced and equitable manner throughout the Tidelands located in all the Member Cities" and the removal of the word "external" in the third bullet point under 1.1 Definition, so that the language reads "Grants, or other sources of funds may also be utilized to further fund BC projects" and adding the first three bullet points from the existing Policy 120 to Section 1.5, BC Selection Criteria, of the revised Policy. Commissioner A. Moore seconded the motion, and the Board adopted: Resolution 2022-135. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

15. [2022-0329](#) ADOPT A RESOLUTION IN ACCORDANCE WITH BOARD POLICY NO. 360, AUTHORIZING STAFF TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO DEVELOP ZERO EMISSION (ZE) INFRASTRUCTURE FOR HEAVY DUTY (HD) TRUCKS ON TIDELANDS LOCATED AT THE INTERSECTION OF 19TH STREET AND TIDELANDS AVENUE IN NATIONAL CITY, AND ANY OTHER POTENTIALLY VIABLE LOCATIONS ON TIDELANDS WHICH STAFF OR RFP RESPONDENTS MAY IDENTIFY, AND PROVIDE DIRECTION TO STAFF.

Maggie Weber, Principal, Strategic Planning, Energy, joined by Jason Giffen, Vice President, Planning and Environment, Ryan Donald, Department Manager, Real Estate, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed

the Board with staff's report and presentation regarding Action Agenda Item 15 - File No. 2022-0329 (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: Lianna Rios, EV Customer Solutions Manager, SDG&E; Diane Takvorian, Environmental Health Coalition; Omar Gonzalez, Senior Manager, Government Affairs, Nikala Corporaton.

Commissioner A. Moore, Commissioner Naranjo, and Commissioner D. Moore provided comments and asked clarifying questions. Jason Giffen, Simon Kann, Joe Stuyvesant and Maggie Weber responded.

On a motion by Commissioner Naranjo, seconded by Commissioner Urtasun, the Board adopted Resolution 2022-136. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

- 16.** [2022-0372](#) MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:
- A) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION
 - B) ADOPT ORDINANCE GRANTING AMENDMENT NO. 7 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO ADD REQUIREMENTS RELATING TO THE PHASED-IN USE OF ZERO EMISSION TRUCKS THAT SERVICE THE MITSUBISHI CEMENT CORPORATION FACILITY AT THE TENTH AVENUE MARINE TERMINAL AND EXTEND THE TERM OF CONDITIONAL AGREEMENT
 - C) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION
 - D) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT

CORPORATION

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

This item was continued to a future Board meeting.

17. [2022-0357](#) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS POLICY NO. 110 - PROCEDURE FOR THE ADMINISTRATION OF CONTRACTS, AGREEMENTS, THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT, AND GRANTS

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

This item was continued to a future Board meeting.

18. [2022-0370](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 13, 2022 MEETING

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.

INFORMATIONAL

19. [2022-0371](#) A PRESENTATION ON THE ECONOMIC IMPACT OF THE SAN DIEGO UNIFIED PORT DISTRICT FROM 2017 TO 2021

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. [2022-0367](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Emergency Contract No. 2021-14 with Cass Construction, Inc. dba Cass Arrieta - Reconciliation - Decreases Contract by \$101,452.95

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 (#70899) with Traveler's Convenience, Inc.
dba Seaport Market - Amends Section 1 Regarding Square Footage of
Leased Premises



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Wednesday, November 16, 2022

11:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

Commissioner A. Moore was excused until she arrived.

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.

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 1 - File 2022-0389.

CLOSED SESSION

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

1. [2022-0389](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 194,000 square feet of land area located in
Warehouse C at the Tenth Avenue Marine Terminal

Negotiating Parties:
Mitsubishi Cement Corporation - Austin Marshall

SDUPD - Shaun Sumner, Tony Gordon, Ryan Donald, Chris Hargett, Phil Gibbons, Joel Valenzuela, and Michael LaFleur
Under Negotiations: Price and Terms

No reportable action was taken on this item.



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

ATTEST:



Clerk of the San Diego Unified Port District



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Wednesday, November 16, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 6 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 1 - Commissioner Ann Moore

Absent: 0

Recused: 0

Commissioner D. Moore was excused until she arrived.

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

B. Pledge of Allegiance.

Commissioner Naranjo led the pledge of allegiance.

In Memoriam

Chairman Malcolm remembered Deanna Spehn, a San Diego region committed public servant, who recently passed away. Chairman Malcolm shared that Deanna was the long-time policy director for Senate President Pro Tem Toni Atkins and for Senator Christine Kehoe and also mentored policy staff from her days in the San Diego Mayor's office. Chairman Malcolm said that Deanna was well-respected for her sharp and detailed policy acumen, she was a very good friend to the Port and her joy was serving her communities, helping constituents, and improving California Government. Chairman Malcolm also announced that today's meeting would be adjourned in Deanna Spehn's name.

C. Closed Session Report Out.

Thomas A. Russell, General Counsel, announced that the Board considered the item on the Closed Session Agenda. Mr. Russell 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: Commissioner Emeritus Robert "Dukie" Valderrama; and Sean Russell.

E. 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 1 - File 2022-0360.

Commissioner Naranjo announced that the Port will be hosting the annual South Bay Holiday Party on Wednesday, December 7, 2022 from 5:00 to 8:00 pm at the National City Aquatic Center.

PUBLIC HEARING AGENDA

1. [2022-0360](#) NATIONAL CITY BAYFRONT PROJECTS AND NATIONAL CITY BALANCED PLAN PORT MASTER PLAN AMENDMENT:
 - A) REOPEN THE PUBLIC HEARING FOR THE PURPOSE OF ADDRESSING A LATE-FILED PUBLIC COMMENT LETTER BY SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY (SAFER)
 - B) ADOPT A RESOLUTION CERTIFYING THE "NATIONAL CITY BAYFRONT PROJECTS & PLAN AMENDMENTS" 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; AND
 - C) ADOPT A RESOLUTION APPROVING THE "NATIONAL CITY BALANCED PLAN" PORT MASTER PLAN AMENDMENT, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

Chairman Malcolm announced that Item 1 is a continuation of the Public Hearing from the October 11, 2022, Board of Port Commissioners Meeting. Chairman Malcolm stated that the item was continued to address late file information submitted in public comment.

Chairman Malcolm re-opened the Public Hearing to allow comments on the late file materials and staff evaluation of them.

Commissioner Urtasun stated that although he was not at the October 11, 2022, Board of Port Commissioners Meeting when the item was considered, he has had the opportunity to review the record, study what the discussions were and is equipped to participate in today's session. Chairman Malcolm responded that in the interest of full transparency to the public, all comments received were transcribed and because the Public Hearing was bifurcated into two sessions, the transcription was a necessary, additional step so the Commissioners could be aware and remember the public comments.

Anna Buzaitis, Program Director, Planning, joined by Lesley Nishihira, Director, Planning, Jason Giffen, Vice President, Planning and Environment, and Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 1 - File No. 2022-0360 (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: Alejandra Sotelo-Solis, Mayor of National City; Ron Morrison, Councilmember, City of National City; and Kelsey Genesi, Environmental Health Coalition, National City Policy Advocate.

Commissioner Naranjo, Commissioner Urtasun, Commissioner Castellanos, Chairman Malcolm and Commissioner Zucchet, provided comments.

On a motion by Commissioner Naranjo, seconded by Chairman Malcolm, the Board adopted Part B., Resolution 2022-137. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

On a motion by Commissioner Naranjo, seconded by Commissioner Urtasun, the Board adopted Part C., Resolution 2022-138. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

ACTION AGENDA

2. [2022-0390](#) INITIAL FUNDING OF THE BALANCED CAPITAL PROGRAM AT \$11 MILLION
 - A) RESOLUTION RENAMING THE CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATED ITEM AS THE BALANCED CAPITAL PROGRAM (BCP) APPROPRIATED ITEM, TRANSFERRING \$7.5M FROM THE FY23 ERP APPROPRIATED ITEM TO THE BALANCED CAPITAL PROGRAM APPROPRIATED ITEM.
 - B) ORDINANCE AMENDING THE DISTRICT'S FY23 BUDGET

INCREASING THE BALANCED CAPITAL PROGRAM APPROPRIATED ITEM BY \$2.5M FROM CUMULATIVE UNRESTRICTED RESOURCES.

Job Nelson, Vice President, Strategy and Policy, joined by Cid Tesoro, Vice President, Facilities and Engineering, Bob DeAngelis, Chief Financial Officer, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 2 - File No. 2022-0390 (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: Ron Morrison, Councilmember, City of National City.

Commissioner Urtasun, Commissioner Naranjo, Commissioner Zucchet, and Chairman Malcolm provided comments and asked clarifying questions. Job Nelson and Bob DeAngelis, responded.

On a motion by Commissioner Urtasun, seconded by Commissioner Castellanos, the Board adopted Resolution 2022-139 and Ordinance 3067. The motion carried by the following vote:

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 2 - Ann Moore, and Danielle Moore

Absent: 0

Abstain: 0

Recused: 0

3. [2022-0028](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE DECEMBER 13, 2022 MEETING

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

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 2 - Ann Moore, and Danielle Moore

Absent: 0

Abstain: 0

Recused: 0

INFORMATIONAL ITEM**4. [2022-0253](#) A PRESENTATION ON THE ECONOMIC IMPACT OF THE SAN DIEGO
UNIFIED PORT DISTRICT FROM 2017 TO 2021**

Job Nelson, Vice President, Strategy and Policy, joined by Laura Wagner, Grants Coordinator, Government and Civic Relations, and Dr. Isabel Victoria from Cambridge Systematics, addressed the Board with staff's report and presentation regarding Action Agenda Item 4 - File No. 2022-0253 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

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

Chairman Malcolm, Commissioner Zucchet, Commissioner Urtasun, Commissioner Castellanos and Commissioner Naranjo provided comments and asked clarifying questions. Dr. Isabel Victoria, Joe Stuyvesant and Job Nelson, responded.

Commissioner Malcolm adjourned the meeting in Deanna Spehn's honor.



*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, December 13, 2022

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 0

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. [2022-0409](#) Closed Session Item No. 1

PERSONNEL EVALUATION
GENERAL COUNSEL
Government Code Section 54957

No reportable action was taken on this item.

2. [2022-0410](#) Closed Session Item No. 2

PERSONNEL EVALUATION
PORT AUDITOR
Government Code Section 54957

No reportable action was taken on this item.

3. [2022-0411](#) Closed Session Item No. 3

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: Approximately 105,635 square feet of land area and 290,143 square feet of water area, located at 4900 - 4930 North Harbor Drive, in the City of San Diego

Negotiating Parties:

Driscoll's Marine, Ltd., a California limited partnership - Tom Driscoll, Karen Driscoll

SDUPD - Shaun Sumner, Anthony Gordon, Chris Hargett, Christian de Manielle

Under Negotiations: Price and Terms

No reportable action was taken on this item.

4. [2022-0392](#) Closed Session Item No. 4

CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6

Agency Designated Representatives: Joe Stuyvesant, Elba Gomez, 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 Uni;
- California Teamsters, Public Professional & Medical Employees Union Local 911, Supervisory Unit
- All Units Unrepresented Employees: All Classifications

No reportable action was taken on this item.

Danielle Moon

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

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District

Certificate Of Completion

Envelope Id: 3925E367103846D68F89156668B23F78

Status: Completed

Subject: Complete with DocuSign: 12-13-22 Closed Session Minutes - Approved.pdf, 12-13-22 BPC Minutes - ...

Source Envelope:

Document Pages: 49

Signatures: 12

Envelope Originator:

Certificate Pages: 5

Initials: 0

Janet Graham

AutoNav: Enabled

3165 Pacific Highway

Envelope Stamping: Enabled

San Diego, CA 92101

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

jgraham@portofsandiego.org

IP Address: 207.215.153.162

Record Tracking

Status: Original

Holder: Janet Graham

Location: DocuSign

3/15/2023 2:10:58 PM

jgraham@portofsandiego.org

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: San Diego Unified Port District

Location: DocuSign

Signer Events**Signature****Timestamp**

Danielle Moore

dmoore@portofsandiego.org

Security Level: Email, Account Authentication
(None)*Danielle Moore*

Sent: 3/15/2023 2:55:37 PM

Viewed: 3/15/2023 3:32:20 PM

Signed: 3/15/2023 3:34:49 PM

Signature Adoption: Pre-selected Style

Using IP Address: 174.66.135.206

Electronic Record and Signature Disclosure:

Accepted: 3/15/2023 3:32:20 PM

ID: 2fe1bbc1-f598-4292-94b7-8b281196fe07

Company Name: San Diego Unified Port District

Donna Morales

dmorales@portofsandiego.org

District Clerk

Security Level: Email, Account Authentication
(None)*Donna Morales*

Sent: 3/15/2023 3:34:51 PM

Viewed: 3/16/2023 1:20:35 PM

Signed: 3/16/2023 1:21:12 PM

Signature Adoption: Pre-selected Style

Using IP Address: 207.215.153.162

Electronic Record and Signature Disclosure:

Accepted: 3/16/2023 1:20:35 PM

ID: 399afc32-84f1-4b00-88d6-15f9eced7bd6

Company Name: San Diego Unified Port District

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Margret Hernandez

mhernandez@portofsandiego.org

Security Level: Email, Account Authentication
(None)**VIEWED**

Sent: 3/15/2023 2:25:20 PM

Viewed: 3/15/2023 2:55:36 PM

Using IP Address: 207.215.153.162

Electronic Record and Signature Disclosure:

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
Janet Graham jgraham@portofsandiego.org Administrative Assistant II-ODC Port of San Diego Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 3/16/2023 1:21:14 PM

Sally Raney sraney@portofsandiego.org Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Accepted: 8/25/2022 4:13:32 PM ID: 03ddcebe-a287-4b6f-a558-66233cf4054f Company Name: San Diego Unified Port District	COPIED	Sent: 3/16/2023 1:21:15 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/15/2023 2:25:20 PM
Certified Delivered	Security Checked	3/16/2023 1:20:35 PM
Signing Complete	Security Checked	3/16/2023 1:21:12 PM
Completed	Security Checked	3/16/2023 1:21:15 PM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: customerservicecenter@portofsandiego.org

To advise San Diego Unified Port District of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at customerservicecenter@portofsandiego.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to customerservicecenter@portofsandiego.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to customerservicecenter@portofsandiego.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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- Until or unless you notify San Diego Unified Port District as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by San Diego Unified Port District during the course of your relationship with 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 13, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Commissioner Rafael Castellanos, Chairman Dan Malcolm, Commissioner Ann Moore, Commissioner Danielle Moore, Commissioner Sandy Naranjo, Commissioner Frank Urtasun, and Commissioner Michael Zucchet

Excused: 0

Absent: 0

Recused: 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 items on the Closed Session Agenda. Mr. Russell stated that no reportable action was taken.

D. District Clerk's Announcements.

Donna Morales, District Clerk, announced that as required by the Brown Act and directed by the Board of Port Commissioners, there is an item on the Agenda taking final action to amend the employment agreement for the President/CEO for the San Diego Unified Port District, that will modify his salary. Ms. Morales stated that additional information can be found in the staff report prepared for this item.

Ms. Morales, then announced that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 8 - File 2022-0365; Item 19 - File 2022-0361; Item 20 - File 22-0408; and Item 25 - File 22-0029.

Ms. Morales also announced that staff requests that the Board consider the following item be continued to a future Board meeting: Item 20 - File 2022-0408.

Chairman Malcolm stated that Item 20 - File 2022-0408, Mitsubishi Cement Corporation, was going to be pulled from the Agenda. However, Chairman Malcolm recognized that people were present to talk about that item, so they will be given the opportunity to speak. Chairman Malcolm announced that voice mails received for Item 20 - File 2022-0408, Mitsubishi Cement Corporation, will be heard at the time when Mitsubishi

Cement Corporation is brought back.

The following member(s) of the public addressed the Board with comments relating to Mitsubishi Cement Corporation: Sharon Cloward, President, San Diego Working Waterfront; Austin Marshall, President and CEO, Mitsubishi Cement Corporation; Raymond Leyba, President, International Longshore & Warehouse Union (ILWU) Local 29; Meli Morales, Environmental Health Coalition; Maria Lopez, Environmental Health Coalition; Brenda Menchaca, Environmental Health Coalition; Ashley Valentin, Environmental Health Coalition; Lindsay Wynn, Environmental Health Coalition; Dr. Alberto Pulido, Chicano Park Museum & Cultural Center; Valerie Jaimes, Chicano Park Museum & Cultural Center; Julie Corrales, Environmental Health Coalition; Margarita Moreno, Environmental Health Coalition; Alica Sanchez, Environmental Health Coalition; Silvia Calzada, Environmental Health Coalition; Zach Gomez, Environmental Health Coalition; Father Brad Mills, Our Lady Guadalupe Parish; Father Scott Santarosa, Pastor of Our Lady Guadalupe Parish; Jack Shu, La Mesa City Council Member; Denika Tamayo, San Diego 350; Aneika Perez; Bee Mittermiller, San Diego 350; Franco Garcia, Environmental Health Coalition; Laisha Felix, SDPCA; Philip Petrie, Coordinator, Interfaith Coalition for Earth Justice; Da Quanisha Parks; Rachele Lopez, Director of Science, San Diego Coastkeeper; Vi Thuy Nguyen MD, Founder/Pediatrician, San Diego Pediatricians for Clean Air; Rita Clement San Diego 350; David Lalom; Rosalia Sandoval, Catechist, Our Lady of Guadalupe Parish; Emmet Farrell, Creation Care Ministry; David Flores, Director of Policy for County Supervisor Nora Vargas.

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

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

E. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Paul Krueger; Danielle Wilkerson, Action and Equity Coordinator at San Diego 350; Dennis Dubard; and Jeffrey Gomez .

F. Board Committee Reports.

Commissioner Naranjo reported that the Audit Oversight Committee (AOC) met on December 1, 2022 and Moss Adams presented the results from the FY 2022 audited financial statements and single audit and issued an unmodified opinion and that no internal control findings over financial reporting were noted. Commissioner Naranjo shared that presentations from staff included: an audit plan update from Jane Mascarenas, Assistant Port Auditor; an ethics hotline update from Mark Yeilding, Port Auditor; and the financial update highlighting positive revenue trends for the District from Mike Arons, Department Manager, Financial Services. Lastly, Commissioner Naranjo shared items of interest for the next Audit Oversight Committee scheduled for March 2023 where

Mohammad Edress Dawarie will assume his role as the committee's newest member.

Commissioner Castellanos provided a report on the Environmental Advisory Committee (EAC) meeting held on December 7, 2022. Commissioner Castellanos announced that the Committee received the following presentations: Corey Sheredy, former Port employee, presented the results of her master's thesis which involved collecting and analyzing bird data in San Diego Bay; Paula Sylvia, Program Director of Aquaculture and Blue Technology, provided an update on the Sunken Seaweed pilot project; Renee Yarmy, Program Director, Maritime Sustainable Development, provided an update on the advancements of electrification and clean freight initiatives at the Port's maritime facilities; and the Planning Department provided a master planning update on three ongoing efforts: the National City Balanced Plan; the Port Master Plan Update; and the Senate Bill 507 Trust Lands Use Plan.

G. Commissioners' Reports.

Commissioner Naranjo provided a report on the Portside AB 617 Community Steering Committee which met on November 10, 2022. Commissioner Naranjo shared that the Port was joined by staff from the California Air Resources Board to provide explanations regarding methodologies and results presented in the Port's Health Risk Assessment (HRA) as well as California Air Resources Board (CARB) Regional Air Toxics Risk Modeling. Commissioner Naranjo also shared that at the November 15, 2022, Steering Committee Meeting, Mitsubishi Cement Corporation provided a presentation on the proposed Bulk Cement Warehouse and loading Facility Project at the Port's Tenth Avenue Marine Terminal; the Community Steering Committee members voted to submit a letter to the Board of Port Commissioners on the project, which was sent to the Board on November 22, 2022.

Commissioner Naranjo reported that on November 16, 2022, she was invited to the ClimateWorks Maritime Shipping Funder Forum and participated on a panel about zero emissions shipping. Commissioner Naranjo said she met Los Angeles Councilwoman Nithya Raman, California Transportation Commissioner Joe Lyou and many other advocates to discuss these initiatives and how to tackle the climate crisis nationally.

Commissioner Castellanos reported that on November 30, 2022, he participated and spoke at a tree-planting event at Cesar E. Chavez park in Barrio Logan. Commissioner Castellanos shared that students from Perkins Elementary attended the event in which 20 trees were planted, and also shared that the trees were part of a grant awarded to Urban Corps from the California Department of Forestry.

Commissioner Ann Moore provided an update on the Chula Vista Bayfront/RIDA project. Commissioner Moore announced that the project is on schedule to open in May 2025. Commissioner Moore shared a picture of the tower structure which is the central part of the hotel that provides stability to the building in the event of an earthquake.

Chairman Malcolm reported on the Imperial Beach Pier Enhancement Project. Chairman Malcolm stated that repair work and painting has been done in Phase 1, and Phase 2 of the project is to build a shade structure, mid-pier, with cable railing. Chairman Malcolm said the shade structure is unique and fun as it is art merging with function. Chairman Malcolm also shared that Phase 3, currently unfunded, will be another larger shade structure, closer to the beach, which will include two 40 ft. wings on the pier.

H. Special Recognition

Cheryl Smoot, Business & Community Partner, Diversity, Equity and Inclusion (DEI),

shared December Celebrations at the Port including, Los Posadas, a religious festival celebrated in Mexico and other Latin American & Hispanic countries; Hanukkah, an eight-day Jewish holiday celebrating the rededication of the Second Temple in Jerusalem; Christmas, December 25, the Christian holiday that celebrates the birth of Jesus; Kwanzaa, a week-long celebration for African Americans based on African harvest festival traditions, primarily in West and Southeast Africa; Bodhi Day, December 8, the Buddhist holiday which commemorates the day that Siddhartha Guatama, the historical Buddha, experienced enlightenment; The Winter Solstice, December 21, known as Yule to those practicing the Pagan and Wiccan faiths, is a day which marks the longest night of the year and the return of the sun; and Boxing Day, December 26, originated in the United Kingdom, traditionally on this day the donation box for the poor kept at churches, was distributed into the community.

Amanda Ibarra, Associate Environmental Specialist, Environmental Conservation, provided a report on the Ridgway's Rail release on November 18, 2022, into the Tijuana Estuary. Ms. Ibarra stated that since 2000, the Port has supported a Propagation Program for this endangered bird in partnership with the Living Coast Discovery Center.

Chief Magda Fernandez announced that on November 9, 2022, Officer Christine Sperry was selected and recognized by the San Diego Auto Theft Advisory Committee for her hard work in recovering multiple stolen vehicles this year. Chief Fernandez also announced that Officer Sperry was recently recognized for her contributions to the Harbor Police department by the Executive Leadership Group for her exemplification of the Port's core values of teamwork and courage.

Joe Stuyvesant, President/CEO, recognized Shaun Sumner, Vice President, Business Operations, Executive Office, for 20 Years of Service. Mr. Stuyvesant provided examples of how Shaun has served in various capacities and highlighted some of the many projects he has worked on during his Port career.

I. President's Report.

Joe Stuyvesant, President/CEO, reported that the 834th Transportation Battalion and the Military Surface Deployment and Distribution Command returned to the Port's Tenth Avenue Marine Terminal in mid-November through early December. Mr. Stuyvesant stated that as one of 18 Strategic Ports, the District will continue to support the military's critical missions for the Southwest region.

Mr. Stuyvesant announced that many Port teams had a busy week during the 14th Annual Blue Tech Week put on by TMA Blue Tech November 14-18, which the Port sponsored. Staff participated in several panels during the week and conducted waterside tours with several Port partners who were in town for the event highlighting many of the Port's blue economy initiatives.

Mr. Stuyvesant also announced that staff attended the first inaugural Ocean Summit in San Francisco, which was sponsored by the builders initiative and S2G Ventures. The event brought together a diverse convening of participants spanning industry executives, innovators, and leaders to propel innovation and advance capital investment across, and beyond, the ocean system.

Mr. Stuyvesant shared that November 18 - 20, Wonderfront Music & Arts Festival returned to the waterfront for the first time since 2019 attracting thousands of people to Embarcadero Marina Park South and thanked all who contributed to the event's success.

Mr. Stuyvesant also provided a report that on December 3, 2022, 11 Harbor Police

Officers participated in the annual Shop with a Cop event. Mr. Stuyvesant shared that 11 kids were picked up from Perkins Elementary School, taken to Sea World for breakfast and a presentation, then transported by police caravan to Target, where they were provided gift cards to purchase Christmas gifts, and finished their day with the Harbor Police Department hosting a BBQ for the participating kids and their parents.

APPROVAL OF MINUTES

[2022-0414](#)

Approval of minutes for:

November 8, 2022 - CLOSED SESSION

November 8, 2022 - BPC MEETING

November 16, 2022 - CLOSED SESSION

November 16, 2022 - SPECIAL BPC MEETING

On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board approved the November 8th, 2022 and the November 16th, 2022 minutes.

The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

Commissioner Urtasun recused himself from Item 4 - File 2021-0353 due to a previous business relationship with RIDA, and did not participate.

Commissioner Urtasun recused himself from Item 9 - File 2022-0257 and 14 - File 2021-0375 due to ownership of stock in Semptra Energy and did not participate.

Commissioner Danielle Moore recused herself from Item 9 - File 2022-0257 and 14 - File 2021-0375 due to employment with former law firm which represented San Diego Gas & Electric, and did not participate.

On a motion by Commissioner Castellanos, seconded by Commissioner Urtasun, the Board adopted Items 1 - 3, Items 5 - 8, Items 10, 11, 13, and 15 - 17; Resolution 2022-140; Resolution 2022-141; Resolution 2022-142; Resolution 2022-143; Resolution 2022-144; Resolution 2022-145; Resolution 2022-146; Ordinance 3070; Resolution 2022-148; Resolution 2022-150; Ordinance 3072; Resolution 2022-152; and Resolution 2022-153. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

1. [2022-0221](#) 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 FY2021 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO AND OTHER PARTICIPATING LAW ENFORCEMENT AGENCIES

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-140 as part of the Consent agenda.
2. [2022-0332](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-05 CHULA VISTA BAYFRONT PARKING LOT FOR LIVING COAST DISCOVERY CENTER PROJECT, CHULA VISTA CALIFORNIA TO WESTERN RIM CONSTRUCTORS INC. IN THE AMOUNT OF \$954,719 AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun , the Board adopted Resolution 2022-141 as part of the Consent agenda.
3. [2022-0342](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH NRC ENVIRONMENTAL SERVICES, INC, AND MARINE GROUP BOAT WORKS LLC FOR AS-NEEDED MARINE DEBRIS AND TRASH COLLECTION, DISPOSAL AND MONITORING SERVICES WITHIN SAN DIEGO BAY WITHIN THE CITIES OF SAN DIEGO, CORONADO, NATIONAL CITY, AND CHULA VISTA. FROM JANUARY 1, 2023 TO JUNE 30, 2027 FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$850,000. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE DISTRICT'S NON-PERSONNEL EXPENSE BUDGET IN THE AMOUNT OF \$250,000. 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 Urtasun, the Board adopted Resolution 2022-142 as part of the Consent agenda.
5. [2022-0355](#) RESOLUTION ESTABLISHING RENT FOR MARINA CORTEZ INC., DBA MARINA CORTEZ LOCATED AT 1880 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO FOR THE PERIOD OF NOVEMBER 1, 2022 THROUGH OCTOBER 31, 2032

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-143 as part of the Consent agenda.

6. [2022-0363](#) RESOLUTION AUTHORIZING AMENDMENT NO. 6 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 ONE YEAR, FOR A NEW NOT TO EXCEED AGREEMENT TOTAL OF \$739,371. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN NON-PERSONAL EXPENSES IN THE AMOUNT OF \$57,809

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-144 as part of the Consent agenda.

7. [2022-0364](#) RESOLUTION AUTHORIZING AMENDMENT NO. 4 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 \$125,000 AND A NEW NOT TO EXCEED TOTAL OF \$590,000 AND EXTENDING THE MOA THROUGH DECEMBER 31, 2025. FUNDS FOR FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE NON-PERSONNEL EXPENSES IN THE AMOUNT OF \$125,000

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-145 as part of the Consent agenda.

8. [2022-0365](#) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15301(h), AND AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE SAN DIEGO UNIFIED PORT DISTRICT FOR THE CORAL TREE REPLANTING PROGRAM AT TIDELANDS PUBLIC PARKS

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-146 as part of the Consent agenda.

10. [2022-0301](#) ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301 AND 15303, AND GRANTING A FIVE-YEAR TIDELANDS USE AND OCCUPANCY PERMIT WITH TWO FIVE-YEAR OPTIONS TO EXTEND WITH NEW CINGULAR WIRELESS PCS, LLC, FOR TWO POTENTIAL SMALL CELLULAR WIRELESS COMMUNICATIONS FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY AT SEAPORT VILLAGE

Commissioner Naranjo asked a clarifying question. David Jones, Deputy General Counsel IV, Office of the General Counsel and Tony Gordon, Director, Real Estate, responded.

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun,

the Board adopted Ordinance 3070 as part of the Consent agenda.

11. [2022-0385](#) RESOLUTION AUTHORIZING A SPONSORSHIP AGREEMENT WITH H.P. PURDON & COMPANY DBA BIG BAY BOOM RELATED TO THE JULY 4, 2023 PORT OF SAN DIEGO BIG BAY BOOM FIREWORKS SHOW IN THE AMOUNT OF \$235,000 IN FUNDING AND UP TO \$170,000 OF IN-KIND DISTRICT SERVICES; FY 2023 EXPENDITURES ARE BUDGETED

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-148 as part of the Consent agenda.
13. [2022-0397](#) 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 Urtasun, the Board adopted Resolution 2022-150 as part of the Consent agenda.
15. [2022-0354](#) ORDINANCE AMENDING THE CONFLICT OF INTEREST CODE OF THE SAN DIEGO UNIFIED PORT DISTRICT

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Ordinance 3072 as part of the Consent agenda.
16. [2022-0401](#) RESOLUTION ADOPTING REVISION TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 641, TRAVEL AND BUSINESS REIMBURSEMENT POLICY

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-152 as part of the Consent agenda.
17. [2022-0402](#) RESOLUTION APPROVING AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR THE EXECUTIVE DIRECTOR (PRESIDENT/CEO)

On a motion by Commissioner Castellanos seconded by Commissioner Urtasun, the Board adopted Resolution 2022-153 as part of the Consent agenda.
4. [2022-0353](#) ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO PACIFIC BELL TELEPHONE COMPANY DBA AT&T CALIFORNIA FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND COMMUNICATION FACILITIES IN CONNECTION WITH THE IMPLEMENTATION OF THE CHULA VISTA BAYFRONT PROJECT IN THE CITY OF CHULA VISTA, CALIFORNIA

Commissioner Urtasun recused himself from Item 4 - File 2021-0353 due to a previous business relationship with RIDA, and did not participate.

On a motion by Commissioner Castellanos seconded by D. Moore, the Board adopted Ordinance 3068 as part of the Consent agenda.

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Frank Urtasun

9. [2022-0257](#) ACTIONS RELATED TO THE MICROGRID INFRASTRUCTURE PROJECT AT TENTH AVENUE MARINE TERMINAL

A) ORDINANCE AMENDING THE FY23 DISTRICT BUDGET, CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$155,478.39 FOR AN INCREASE TO THE MICROGRID INFRASTRUCTURE AT TENTH AVENUE MARINE TERMINAL (TAMT) PROJECT BUDGET TO BE FUNDED BY THE CALIFORNIA ENERGY COMMISSION (CEC) GRANT AGREEMENT NO. EPC-17-049.

B) RESOLUTION APPROVING CHANGE ORDER NO. 4 FOR CONTRACT NO. 20-06 MICROGRID INFRASTRUCTURE AT TAMT PROJECT FOR A CONTRACT TIME EXTENSION OF 349 CALENDAR DAYS TO ALIGN WITH THE COMPLETION OF THE SOLAR PHOTOVOLTAIC SYSTEM, AND TO INCREASE THE CONTRACT VALUE BY \$155,478.39 TO INTEGRATE THE NEW ELECTRIC CRANES TO THE MICROGRID CONTROLLER, FOR A REVISED TOTAL CONTRACT VALUE OF \$3,203,762.63.

Commissioner Urtasun recused himself from Item 9 - File 2022-0257 due to ownership of stock in Sempra Energy and did not participate.

Commissioner D. Moore recused herself from Item 9 - File 2022-0257 due to former law firm which represented San Diego Gas & Electric, and did not participate.

On a motion by Commissioner Castellanos seconded by Naranjo, the Board adopted Ordinance 3069 and Resolution 2022-147 as part of the Consent agenda.

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Ann Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 2 - Danielle Moore, and Frank Urtasun

12. [2022-0386](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR THE SAN DIEGO ROWING CLUB SITE LOCATED AT 525 E. HARBOR DRIVE IN

THE CITY OF SAN DIEGO FROM DECEMBER 14, 2022, TO DECEMBER 13, 2025, IN AN AMOUNT NOT TO EXCEED \$350,000 AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

On a motion by Commissioner Castellanos seconded by Commissioner Zucchet, the Board adopted Resolution 2022-0386 as part of the Consent agenda.

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 1 - Sandy Naranjo

Recused: 0

14. [2021-0375](#) SAN DIEGO GAS & ELECTRIC EASEMENT AT THE GENERAL SERVICES AND PROCUREMENT BUILDING:

A) ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15302, AND 15304, AND GRANTING A 30-YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT THE GENERAL SERVICES AND PROCUREMENT BUILDING LOCATED AT 1400 TIDELANDS AVENUE IN NATIONAL CITY

B) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15302, AND 15304, AND APPROVING A PARTICIPATION AGREEMENT FOR THE SAN DIEGO GAS & ELECTRIC POWER YOUR DRIVE FOR FLEETS MAKE-READY INFRASTRUCTURE PROGRAM

Commissioner Urtasun recused himself from Item 14 - File 2021-0375 due to ownership of stock in Sempra Energy and did not participate.

Commissioner Danielle Moore recused herself from Item 14 - File 2021-0375 due to employment with a former law firm which represented San Diego Gas & Electric, and did not participate.

On a motion by Commissioner Castellanos seconded by Commissioner Naranjo, the Board adopted Ordinance 3071 and Resolution 2022-151 as part of the Consent agenda.

Yeas: 5 - Rafael Castellanos, Dan Malcolm, Ann Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 2 - Danielle Moore, and Frank Urtasun

ACTION AGENDA

18. [2022-0304](#) 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, 2022

Mark Yeilding, Port Auditor, joined by Olga Darlington, Partner, Moss Adams and Matt Dinsdale, Senior Manager, Moss Adams, addressed the Board with staff's report and presentation regarding Action Agenda Item 18 - File No. 2022-0304 (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 Malcolm, asked clarifying questions. Olga Darlington responded.

On a motion by Commissioner Urtasun, seconded by Commissioner D. Moore, the Board adopted Resolution 2022-154. The motion carried by the following vote:

Yeas: 6 - Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 1 - Rafael Castellanos

Absent: 0

Abstain: 0

Recused: 0

19. [2022-0361](#) REDEVELOPMENT OF EAST HARBOR ISLAND:
 A) RECEIVE PRELIMINARY PROJECT REVIEW PRESENTATION FOR PROPOSED TOPGOLF FACILITY; AND
 B) ADOPT A RESOLUTION AUTHORIZING STAFF TO COMMENCE ENVIRONMENTAL REVIEW IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE REDEVELOPMENT OF A PORTION OF EAST HARBOR ISLAND BY TOPGOLF USA SDP, LLC (TOPGOLF)

Commissioner Danielle Moore recused herself from Item 19 - File 2022-0361 due to employment with a former law firm which represents Topgolf, and did not participate.

Tony Gordon, Director, Real Estate, joined by James Hammel, Department Manager, Real Estate, Adam Meyer, Assistant Director, Real Estate, Wileen Manaois, Director, Development Services, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, and representatives from Topgolf Callaway Brands Corp., Chip Brewer, President /CEO, Matt Smith, Scott Wetterling, and Tiffany Brush, addressed the Board with staff's report and presentation regarding Action Agenda Item 19 - File No. 2022-0361 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, President, San Diego Working Waterfront, submitted a Speaker Slip in favor of item but did not speak; Francisco Pena, Southwest Mountain States Regional Council of Carpenters (SWMSRCC); Christopher Allen, SWMSRCC; Jesse Garcia, SWMSRCC; Paul Kruger; Adam Colton, President/CEO Hylete, Inc.; Alison Aragon, Director of Development, Pro Kids First Tee San Diego; Bill Walton, Chairman, San Diego Sport Innovators (SDSI); Bob Rief, Executive Director, San Diego Sport Innovators; Brian Pollard, Urban Collaborative Project; Gloria Sanchez; John Sarkisian, Chief Chairman, SDSI; John Klien, Vice President of Policy, Downtown San Diego Partnership; Julie Dunn; Kathy O'Leary Kerry and John Kerry; Cam Stephens, Owner, San Diego Golf Reservations; Joel Hermosillo, City Center Business Improvement District Manager; Michael Brower, Chief Financial Officer, Suneva Medical; Mitch Stout, Director of Golf, Pro Kids San Diego; Patrick Schultz, Rip Rippetoe; Sean Planty, General Manager, Sheraton San Diego; and Stefanie Benvenuto, Vice President, Public Affairs, San Diego Regional Chamber of Commerce.

Commissioner Ann Moore, Commissioner Urtasun, Commissioner Zucchet, Commissioner Castellanos, and Chairman Malcolm, provided comments and asked clarifying questions. James Hammel, Lesley Nishihira and Adam Meyer responded.

On a motion by Commissioner Urtasun, seconded by Commissioner Zucchet, the Board adopted Resolution 2022-155. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Danielle Moore

- 20.** [2022-0408](#) MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:
- A) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND

DIRECTING FILING OF THE NOTICE OF DETERMINATION
 B) ADOPT ORDINANCE GRANTING AMENDMENT NO. 7 TO
 CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT
 CORPORATION TO ADD REQUIREMENTS FOR THE USE OF ZERO
 EMISSION TRUCKS THAT WOULD SERVICE THE MITSUBISHI
 CEMENT CORPORATION'S PROPOSED FACILITY AT THE TENTH
 AVENUE MARINE TERMINAL AND EXTEND THE TERM OF
 CONDITIONAL AGREEMENT
 C) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL,
 CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE
 AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT
 CORPORATION
 D) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A
 NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO
 MITSUBISHI CEMENT CORPORATION FOR THE BULK CEMENT
 WAREHOUSE AND LOADING FACILITY PROJECT, CONDITIONED ON
 EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN
 THE DISTRICT AND MITSUBISHI CEMENT CORPORATION

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

This item was continued.

21. [2022-0374](#) UPDATE ON MUNICIPAL SERVICES AGREEMENT BASELINE RATE AND SCOPE OF SERVICES NEGOTIATIONS WITH THE CITY OF NATIONAL CITY AND THE CITY OF CHULA VISTA AND DIRECTION TO STAFF TO CONTINUE NEGOTIATIONS WITH CHULA VISTA FOR 60 DAYS AND, IF AN AGREEMENT IS REACHED, TO RETURN TO THE BOARD THEREAFTER WITH A PROPOSED AMENDMENT TO THE AGREEMENT WITH CHULA VISTA

Tony Gordon, Director, Real Estate, joined by Shaun Sumner, Vice President, Business Operations, Bob DeAngelis, Chief Financial Officer/Treasurer, and David Jones, Deputy General Counsel IV, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 21 - File No. 2022-0374 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

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

Commissioner Zucchet, Commissioner Naranjo, Commissioner Castellanos, Commissioner Ann Moore, Chairman Malcolm, and Commissioner Urtasun provided comments and asked clarifying questions. Tony Gordon and Shaun Sumner responded.

Commissioner Zucchet called for a motion to direct staff to continue MSA negotiations with the City of Chula Vista for an additional 60 days and, if an agreement is reached to return to the board thereafter with a proposed amendment to the agreement with Chula Vista. After further discussion, Commissioner Malcolm requested the maker of the motion to amend the motion to include the City of National City and the City of Chula Vista. The maker of the

motion accepted and amended the motion further to continue the item for 90 days. Commissioner A. Moore seconded the motion. The motion carried by the following vote:

Yeas: 7 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, Frank Urtasun, and Michael Zucchet

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

22. [2022-0376](#) PROPOSED SUN OUTDOORS PHASE II PROJECT:

- A) RECEIVE A PRELIMINARY PROJECT REVIEW PRESENTATION;
AND
- B) ADOPT A RESOLUTION AUTHORIZING STAFF TO COMMENCE ENVIRONMENTAL REVIEW IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE SUN OUTDOORS RV RESORT PHASE II PROJECT AT CHULA VISTA BAYFRONT

Tony Gordon, Director, Real Estate, joined by Amber Jensen, Department Manager, Real Estate, Adam Meyer, Assistant Director, Real Estate, Michelle Chan, Program Manager, Development Services, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, Emerson Prosser, Sun Outdoors, and Greg Mueller, Tucker Sadler, addressed the Board with staff's report and presentation regarding Action Agenda Item 22 - File No. 2022-0376 (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 Ann Moore provided comments and asked clarifying questions. Greg Mueller and Emerson Prosser responded.

Commissioner A. Moore called for a motion to adopt a Resolution authorizing staff to commence environmental review, adding that there be a circulation study prepared and that the plan incorporates a version that shows a structure instead of a trailer. Commissioner Castellanos seconded the motion, and the Board adopted Resolution 2022-156. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

23. [2022-0328](#) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS' (BPC) POLICIES 110, PROCEDURE FOR THE ADMINISTRATION OF CONTRACTS, AGREEMENTS, THE PURCHASING OF SUPPLIES, MATERIALS, AND EQUIPMENT, AND GRANTS, AND 640, CLAIMS, UPDATING THRESHOLDS FOR CERTAIN CONTRACT AUTHORITIES AND COMPETITIVE PROCESSES, RELOCATING AUTHORITY RELATED TO TECHNOLOGY SERVICE AGREEMENTS, AND OTHER UPDATES

Matt Earle, Director, Procurement Services, joined by Mark Yeilding, Port Auditor, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 23 - File No. 2022-0328 (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.

No Commissioner comments were provided.

On a motion by Commissioner Zucchet, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-157. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

24. [2022-0286](#) ADOPT A RESOLUTION ELECTING CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY OF THE BOARD OF PORT COMMISSIONERS FOR 2023

The following member(s) of the public addressed the Board with agenda-related comments: Christina Griffin-Jones; Sal Espinoza, Communication Workers of America, Local 9509; Steven Gelb, San Diego 350.

Commissioner Zucchet provided comments.

Commissioner Zucchet, called for a motion to elect Commissioner Castellanos as Chairman, Commissioner Naranjo as Vice Chair, and Commissioner Danielle Moore as Secretary. Motion failed for lack of second.

Commissioner Naranjo, called for a motion to elect Commissioner Castellanos as Chairman, herself as Vice Chair, and Commissioner Danielle Moore as Secretary. Commissioner Zucchet seconded the motion; the Board adopted Resolution 2022-158. The motion carried by the following vote:

Yeas: 5 - Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 1 - Rafael Castellanos

Recused: 0

25. [2022-0029](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY 10, 2023 MEETING

On a motion by Commissioner Castellanos, seconded by Commissioner D. Moore, the Board approved the proposed agenda for January. The motion carried by the following vote:

Yeas: 6 - Rafael Castellanos, Dan Malcolm, Ann Moore, Danielle Moore, Sandy Naranjo, and Michael Zucchet

Nays: 0

Excused: 1 - Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

26. [2022-0403](#) OFFICER'S REPORT

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

A) Change Order No. 3 for Contract No. 20-06 with EDF Renewables Distributed Solutions, Inc. - Increases Contract by \$81,650.94

B) Change Order No. 1 for Contract No. 2022-22 with Silverado Builders, Inc. - Increases Contract by \$1,183.39 & 10 Calendar Day Time Extension thru 10-21-2022

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 Urban Corps of San Diego County for Cesar Chavez Park Tree Replanting Project, for total amount \$1,258.00

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

A) Rent Review Letter with Marina Cortez Inc., dba Marina Cortez for Rental Period Beginning 11-01-2022 thru 10-31-2032

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 (#70513) with Del Sol Retail, LLC dba Del Sol & Cariloha - Amends Sections 4.1, 4.2 & 7 Regarding Minimum Monthly and Percentage Rent, and Termination

Danielle Moore

Secretary, Board of Port Commissioners
San Diego Unified Port District

ATTEST:

Donna Morales

Clerk of the San Diego Unified Port District

Certificate Of Completion

Envelope Id: 3925E367103846D68F89156668B23F78

Status: Completed

Subject: Complete with DocuSign: 12-13-22 Closed Session Minutes - Approved.pdf, 12-13-22 BPC Minutes - ...

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Signatures: 12

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Janet Graham

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jgraham@portofsandiego.org

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Signer Events**Signature****Timestamp**

Danielle Moore

dmoore@portofsandiego.org

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(None)*Danielle Moore*

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Company Name: San Diego Unified Port District

Donna Morales

dmorales@portofsandiego.org

District Clerk

Security Level: Email, Account Authentication
(None)*Donna Morales*

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Electronic Record and Signature Disclosure:

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ID: 399afc32-84f1-4b00-88d6-15f9eced7bd6

Company Name: San Diego Unified Port District

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Margret Hernandez

mhernandez@portofsandiego.org

Security Level: Email, Account Authentication
(None)**VIEWED**

Sent: 3/15/2023 2:25:20 PM

Viewed: 3/15/2023 2:55:36 PM

Using IP Address: 207.215.153.162

Electronic Record and Signature Disclosure:

Certified Delivery Events	Status	Timestamp
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Accepted: 3/15/2023 2:55:36 PM
ID: 9989bcf1-3d0b-4926-ac82-ab2b9bd6c8d3
Company Name: San Diego Unified Port District

Carbon Copy Events	Status	Timestamp
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Janet Graham
jgraham@portofsandiego.org
Administrative Assistant II-ODC
Port of San Diego
Security Level: Email, Account Authentication (None)

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Sent: 3/16/2023 1:21:14 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Sally Raney
sraney@portofsandiego.org
Security Level: Email, Account Authentication (None)

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Sent: 3/16/2023 1:21:15 PM

Electronic Record and Signature Disclosure:
Accepted: 8/25/2022 4:13:32 PM
ID: 03ddcebe-a287-4b6f-a558-66233cf4054f
Company Name: San Diego Unified Port District

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	3/15/2023 2:25:20 PM
Certified Delivered	Security Checked	3/16/2023 1:20:35 PM
Signing Complete	Security Checked	3/16/2023 1:21:12 PM
Completed	Security Checked	3/16/2023 1:21:15 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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