



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Special Meeting Minutes

Board of Port Commissioners

Tuesday, January 10, 2023

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Chairman Rafael Castellanos, Commissioner 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, 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. [2023-0026](#) Closed Session Item No. 1

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

Two (2) cases

Commissioner Danielle Moore recused herself from one of the items due to employment with former law firm and did not participate.

No reportable action was taken on this item.

2. [2023-0033](#) Closed Session Item No. 2

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 Danielle Moore recused herself from this item due to employment with former law firm and did not participate.

No reportable action was taken on this item.

3. [2023-0029](#) Closed Session Item No. 3

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.

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 - ...	
Source Envelope:	
Document Pages: 49	Signatures: 12
Certificate Pages: 5	Initials: 0
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Envelope Stamping: Enabled	Janet Graham
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	3165 Pacific Highway
	San Diego, CA 92101
	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

Signer Events	Signature	Timestamp
Danielle Moore	<i>Danielle Moore</i>	Sent: 3/15/2023 2:55:37 PM
dmoore@portofsandiego.org		Viewed: 3/15/2023 3:32:20 PM
Security Level: Email, Account Authentication (None)		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	<i>Donna Morales</i>	Sent: 3/15/2023 3:34:51 PM
dmorales@portofsandiego.org		Viewed: 3/16/2023 1:20:35 PM
District Clerk		Signed: 3/16/2023 1:21:12 PM
Security Level: Email, Account Authentication (None)	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		Sent: 3/15/2023 2:25:20 PM
mhernandez@portofsandiego.org		Viewed: 3/15/2023 2:55:36 PM
Security Level: Email, Account Authentication (None)		
	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
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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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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

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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.

All notices and disclosures will be sent to you electronically

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.

How to contact San Diego Unified Port District:

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.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

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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.

To withdraw your consent with San Diego Unified Port District

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..

Required hardware and software

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>.

Acknowledging your access and consent to receive and sign documents electronically

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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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- 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, January 10, 2023

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Chairman Rafael Castellanos, Commissioner 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 D. Moore was excused until she arrived.

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

B. Pledge of Allegiance.

Commissioner Zucchet 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. In addition, Mr. Russell stated that Commissioner Danielle Moore recused herself from one of the items in Item 1 - File 2023-0026 and Item 2 - File 2023-0033 due to employment with former law firm and did not participate.

D. Public Communications.

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

E. Board Committee Reports.

Commissioner Urtasun reported the Maritime Stakeholder Forum was held on December 15, 2022. Commissioner Urtasun explained that the meetings consist of organizations where the attendees give different perspectives on the various initiatives that the Port is embarking upon. Commissioner Urtasun also shared that Crowley Marine gave a presentation on the all-electric tug project and its advancements.

F. Commissioners' Reports.

None.

G. Special Recognition.

Gina Jacobs, Business & Community Partner, Diversity, Equity and Inclusion (DEI), shared that on the third Monday of each January, the Port celebrates Dr. Martin Luther King Jr., who was the first modern-day private citizen to be honored with a federal holiday for his accomplishments and inspiration in the civil rights movement. Ms. Jacobs then announced that January 22, 2023 is the Lunar New Year which is tied to the lunar calendar and began as a time for feasting and to honor household and heavenly deities, as well as ancestors. Ms. Jacobs also added that 2023 is the Year of the Rabbit which is thought to be a symbol of longevity, peace and prosperity. Lastly, Ms. Jacobs announced the passing of Michael Jablonski, a member of the Accessibility Advisory Committee who served from 2003-2021.

Mike LaFleur, Vice President, Maritime, recognized Bruce Cummings, Marine Terminal Supervisor, Maritime, as he retires after 32 1/2 years with the Port. Mr. La Fleur reported that Mr. Cummings received multiple service awards for his outstanding performances and shared some of his notable accomplishments.

H. President's Report.

Joe Stuyvesant, President/CEO, reported that staff and the Parks & Recreation Department conducted a workshop for street vendors and performers on December 20, 2022 in which more than 76 people attended. Mr. Stuyvesant stated that the purpose of the meeting was to review recent regulatory changes which have contributed to the existing vending conditions on the Port's waterfront. The next step in this initiative is to develop and draft an updated ordinance for consideration by the Board at the February Board Meeting.

Mr. Stuyvesant shared that the 2022 Port of San Diego Holiday Bowl Parade was held on Wednesday, December 28, 2022, where the Port is the title sponsor of this balloon parade that marched along Harbor Drive. Mr. Stuyvesant thanked all who contributed to the long-range planning and execution of this event.

Lastly, Mr. Stuyvesant announced that on January 13, 2023, the Port of San Diego and the Working Waterfront will be partnering with the San Diego & Imperial Community Colleges Regional Consortium by attending their Workforce Development Council (WDC) meeting. Representatives from the community colleges will learn more about opportunities for students to work at the Port of San Diego.

I. 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 General Counsel and the Auditor for the San Diego Unified Port District, that will modify their salaries. Ms. Morales stated that additional information can be found in the staff report prepared for that 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 10 - File 2023-0017.

Ms. Morales also announced that staff requests that the Board consider the following item be continued to a future Board meeting: Item 2 - File 2023-0027 and Item 10 - File 2023-0017.

Additionally, Ms. Morales announced that the Board no longer needs to take action on Item 3 - File 2023-0016 due to a recent update to Board Policy 110, related to procurement approval thresholds.

On a motion made by Commissioner Naranjo, seconded by Commissioner D. Moore, 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

[2023-0030](#) Approval of minutes for:

December 13, 2022 - CLOSED SESSION

December 13, 2022 - BPC MEETING

On a motion made by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board approved the December 13th, 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 made by Commissioner Malcolm, seconded by Commissioner Naranjo, the Board adopted Items 1 and 4 - 9; Resolution 2023-001; Resolution 2023-002; Resolution 2023-003; Resolution 2023-004; Resolution 2023-005; Ordinance 3073; Resolution 2023-006; Resolution 2023-007; Resolution 2023-008; and Ordinance 3074. 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. [2022-0335](#) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15301, 15302, 15303, AND 15304 AND APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-15 TO MARINA LANDSCAPE INC. IN THE AMOUNT OF \$606,109 FOR THE LANDSCAPE RESTORATION - CESAR CHAVEZ PARK PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION.

On a motion made by Commissioner Malcolm seconded by Commissioner Naranjo, the Board adopted Resolution 2023-001 as part of the Consent agenda.

2. [2023-0027](#) FIBER OPTIC INFRASTRUCTURE PHASE 4B
 - A. RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR THE CONSTRUCTION OF THE FIBER OPTIC INFRASTRUCTURE PHASE 4B PROJECT FOR A NOT TO EXCEED AMOUNT OF \$655,300.20 FUNDED BY HOMELAND SECURITY PORT SECURITY GRANT PROGRAM FY18
 - B. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-31 TO TEL TECH PLUS, INC. IN THE AMOUNT OF \$655,300.20 FOR THE FIBER OPTIC INFRASTRUCTURE PHASE 4B, IMPERIAL BEACH, CA PROJECT, AS AUTHORIZED BY THE BOARD IN THE [FY 22/23] TECHNOLOGY MANAGEMENT PROGRAM.

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

This item was continued to a future Board meeting.

3. [2023-0016](#) RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT WITH TEL TECH PLUS, INC. DBA TTP-US FOR AS NEEDED FIBER OPTIC MAINTENANCE FOR SAN DIEGO BAY REGIONAL FIBER OPTIC INFRASTRUCTURE IN AMOUNT NOT TO EXCEED \$100,000 FOR A NEW NOT TO EXCEED AGREEMENT VALUE OF \$202,446. FUNDS FOR FY 2023 ARE BUDGETED IN THE TECHNOLOGY MANAGEMENT PROGRAM EXPENSE BUDGET AND EXPENDITURES FOR FUTURE MAINTENANCE WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR'S BUDGET, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET

Board action no longer required due to amendment to BPC Policy No. 110 approval thresholds.

4. [2022-0398](#) RESOLUTION CONSENTING TO A CHANGE OF OWNERSHIP OF GELATO & CO., A CALIFORNIA CORPORATION DBA GELATO & FRIENDS AND THE FIRST, SECOND, AND THIRD AMENDMENTS TO LONG-TERM SUBLEASE BETWEEN GELATO & FRIENDS AND LFS DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DBA INTERCONTINENTAL HOTEL

On a motion made by Commissioner Malcolm seconded by Commissioner Naranjo, the Board adopted Resolution 2023-002 as part of the Consent agenda.

5. [2022-0415](#) A) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS, PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 - SERVICE, MAINTENANCE, OPERATIONS AND CRAFTS UNIT

B) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS, PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 - NON-SWORN SAFETY UNIT

C) RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS, PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 - SUPERVISORY UNIT

On a motion made by Commissioner Malcolm seconded by Commissioner Naranjo, the Board adopted Resolution 2023-003, Resolution 2023-004, and Resolution 2023-005 as part of the Consent agenda.

6. [2023-0013](#) SCHEDULE OF COMPENSATION
A) ORDINANCE AMENDING SALARY ORDINANCE NO. 3062 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 DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR
FISCAL YEAR 2022/2023

On a motion made by Commissioner Malcolm seconded by Commissioner
Naranjo, the Board adopted Ordinance 3073 and Resolution 2023-006 as part of
the Consent agenda.
7. [2022-0407](#) RESOLUTION APPROVING AMENDMENTS TO THE EMPLOYMENT
AGREEMENTS FOR THE GENERAL COUNSEL AND PORT AUDITOR

On a motion made by Commissioner Malcolm seconded by Commissioner
Naranjo, the Board adopted Resolution 2023-007 as part of the Consent agenda.
8. [2023-0020](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN
ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY
BILL 361

On a motion made by Commissioner Malcolm seconded by Commissioner
Naranjo, the Board adopted Resolution 2023-008 as part of the Consent agenda.
9. [2022-0013](#) ORDINANCE GRANTING AN AMENDED, RESTATED, AND COMBINED
LEASE WITH INTREPID LANDING, LLC, DBA INTREPID LANDING
MARINA, TO UPDATE LEASE PROVISIONS AND EXTEND THE LEASE
TERM BY 10 YEARS

On a motion made by Commissioner Malcolm seconded by Commissioner
Naranjo, the Board adopted Ordinance 3074 as part of the Consent agenda.

ACTION AGENDA

10. [2023-0017](#) UPDATE ON DEVELOPMENT PLAN PROPOSAL FROM CAYS
RESORT, LLC A DELAWARE LIMITED LIABILITY COMPANY, TO
DEVELOP COTTAGE-STYLE RV PARK MODELS IN THE CORONADO
CAYS WITH DIRECTION TO STAFF REGARDING PROCESSING OF
THE PROJECT APPLICATION:
A) PROVIDE FEEDBACK TO STAFF ON THE PROJECT
APPLICATION; AND/OR
B) DIRECT STAFF TO PROCESS THE PROJECT APPLICATION FOR
THE PROPOSED PLAN AND ADOPT A RESOLUTION AUTHORIZING
STAFF TO COMMENCE ENVIRONMENTAL REVIEW IN ACCORDANCE
WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; OR
C) OBJECT TO THE PLAN AND DIRECT STAFF TO SEND CAYS
RESORT A WRITTEN OBJECTION LETTER

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. [2022-0388](#) PRESENTATION ON 2023-2024 PORT OF SAN DIEGO LEGISLATIVE PRIORITIES AND 2023-2028 SAN DIEGO UNIFIED PORT DISTRICT LEGISLATIVE PLATFORM AND DIRECTION TO STAFF

Job Nelson, Vice President, Strategy and Policy, joined by David Yow, Legislative Policy Administrator, Government and Civic Relations, and Aimee Heim, Program Director, Government and Civic Relations, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2022-0388 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

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

Commissioner Zucchet, Commissioner Malcolm, Commissioner Naranjo, Commissioner A. Moore, and Chairman Castellanos, provided comments and asked clarifying questions. Job Nelson, David Yow, and Jason Giffen, Vice President, Planning and Environment, responded.

12. [2023-0014](#) INFORMATIONAL PRESENTATION ON FISCAL YEAR 2023 DIVERSITY, EQUITY, AND INCLUSION PROGRAM STATUS REPORT INCLUDING THE STRATEGY TO TASK PLAN

Shirley Parsons, Manager, Diversity, Equity, & Inclusion, joined by Gina Jacobs, DEI Business & Community Partner, Diversity, Equity, & Inclusion, Cheryl Smoot, DEI Business & Community Partner, Diversity, Equity, & Inclusion, Christine Antoine, Program Manager, Energy, and Maggie Weber, Principal, Strategic Planning, Energy, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2023-0014 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

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

Commissioner Naranjo, Commissioner D. Moore, and Chairman Castellanos, provided comments and asked clarifying questions. Job Nelson, Christine Antoine, and Shirley Parsons, responded.

13. [2023-0001](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE FEBRUARY 14, 2023 MEETING

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

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

Nays: 0

Excused: 1 - Ann Moore

Absent: 0

Abstain: 0

Recused: 0

OFFICER'S REPORT

14. [2023-0015](#) OFFICER'S REPORT

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

A) Change Order No. 1 to Contract No. 2022-28 with DFS Flooring, LP - Amends Notice to Proceed Date to 12-05-2022

B) Change Order No. 4 for Contract No. 20-06 with EDF Renewables Distributed Solutions, Inc. - Increases Contract by \$155,478.39 & 349 Calendar Day Time Extension thru 08-10-2023

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

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

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Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
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Signer Events

Signer Events	Signature	Timestamp
Danielle Moore		Sent: 3/15/2023 2:55:37 PM
dmoore@portofsandiego.org		Viewed: 3/15/2023 3:32:20 PM
Security Level: Email, Account Authentication (None)	Signature Adoption: Pre-selected Style	Signed: 3/15/2023 3:34:49 PM
	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		Sent: 3/15/2023 3:34:51 PM
dmorales@portofsandiego.org		Viewed: 3/16/2023 1:20:35 PM
District Clerk	Signature Adoption: Pre-selected Style	Signed: 3/16/2023 1:21:12 PM
Security Level: Email, Account Authentication (None)	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		Sent: 3/15/2023 2:25:20 PM
mhernandez@portofsandiego.org		Viewed: 3/15/2023 2:55:36 PM
Security Level: Email, Account Authentication (None)	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)

COPIED

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)

COPIED

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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Consequences of changing your mind

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All notices and disclosures will be sent to you electronically

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.

How to contact San Diego Unified Port District:

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.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from San Diego Unified Port District

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.

To withdraw your consent with San Diego Unified Port District

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..

Required hardware and software

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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By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- 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

Special Meeting Minutes

Board of Port Commissioners

Tuesday, February 14, 2023

10:00 AM

Don L. Nay Port Administration Boardroom

Closed Session

A. Roll Call.

Present: 7 - Chairman Rafael Castellanos, Commissioner 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: 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

Chairman Castellanos announced that Commissioner Danielle Moore recused herself from Item 2 - File No. 2023-0049 due to employment with former law firm that represents one of the parties in that matter, and did not participate.

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

1. [2023-0056](#) Closed Session Item No. 1

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: 11,560 square feet of land area and approximately 109,877 sq ft of water area located at the foot of Cesar Chavez Parkway adjacent to the Tenth Avenue Marine Terminal, San Diego, CA

Negotiating Parties:

Pacific Maritime Group, Inc. - Grant Westmorland, Steve Frailey

SDUPD - Shaun Sumner, Mike LaFleur, Tony Gordon, Joel Valenzuela, Chris Hargett, Ryan Donald, Cameron McLeod

Under Negotiations: Price and Terms

No reportable action was taken on this item.

2. [2023-0049](#) Closed Session Item No. 2

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Government Code Section 54956.8

Property: SDUPD - East Harbor Island parcel consisting of approximately 8.5 acres of land at Harbor Island Drive and Liberator Way, San Diego

Negotiating Parties:

Topgolf USA SDP, LLC - Matt Smith, Joe Wojdowski, Ben Haddad, Scott Wetterling

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

Under Negotiations: Price and Terms

Commissioner Danielle Moore recused herself from this item due to employment with former law firm that represents one of the parties in that matter and did not participate.

No reportable action was taken on this item.

3. [2023-0055](#) Closed Session Item No. 3

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

One (1) case

No reportable action was taken on this item.

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 - ...	
Source Envelope:	
Document Pages: 49	Signatures: 12
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Janet Graham
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	3165 Pacific Highway
	San Diego, CA 92101
	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

Signer Events	Signature	Timestamp
Danielle Moore	<i>Danielle Moore</i>	Sent: 3/15/2023 2:55:37 PM
dmoore@portofsandiego.org		Viewed: 3/15/2023 3:32:20 PM
Security Level: Email, Account Authentication (None)		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	<i>Donna Morales</i>	Sent: 3/15/2023 3:34:51 PM
dmorales@portofsandiego.org		Viewed: 3/16/2023 1:20:35 PM
District Clerk		Signed: 3/16/2023 1:21:12 PM
Security Level: Email, Account Authentication (None)	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

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events

Editor Delivery Events	Status	Timestamp
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Agent Delivery Events

Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events

Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events

Certified Delivery Events	Status	Timestamp
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Margret Hernandez	VIEWED	Sent: 3/15/2023 2:25:20 PM
mhernandez@portofsandiego.org		Viewed: 3/15/2023 2:55:36 PM
Security Level: Email, Account Authentication (None)		
	Using IP Address: 207.215.153.162	

Electronic Record and Signature Disclosure:

Certified Delivery Events	Status	Timestamp
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
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
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All notices and disclosures will be sent to you electronically

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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 withdraw your consent with San Diego Unified Port District

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- 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..

Required hardware and software

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San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, February 14, 2023

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 7 - Chairman Rafael Castellanos, Commissioner 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 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. 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: Brandt Smith, Jesse Garcia, and Christopher Allen.

E. Board Committee Reports.

No Board Committee Reports were provided.

F. Commissioners' Reports.

Commissioner Naranjo provided a report on the Transportation Committee of the San Diego Association of Governments which met on February 3, 2023. Commissioner Naranjo shared that the agenda included: Planning for the realignment of rail tracks away from the Del Mar Bluffs to a more stable site east; continuation of planning and study on the best site to construct a Mobility Hub; reviewing plans for a new Purple Line trolley; completion of the Otay Mesa East Port of Entry; exploring ways to continue the successful Youth Opportunity Pass Program; and implementation of the Vision Zero Action Plan.

Commissioner Naranjo then reported on the Portside Community Steering Committee which met virtually on January 24, 2023. Commissioner Naranjo announced that the following items were discussed: The San Diego Air Pollution Control District (APCD) announced the availability of \$4 million in funding for a Zero Emission Truck Pilot Program; and review of the Portside Community Steering Committee Charter and Voting Protocols. Commissioner Naranjo also shared that APCD staff provided an update on air quality monitoring in the Portside Community and that staff are conducting one-on-one interviews with committee members to receive feedback on the steering committee and improvements which can be made.

Commissioner Malcolm reported that he and Commissioner Naranjo attended the Association of Pacific Ports (APP) conference in Hawaii, the first since Covid, and that it was a chance to catch up with Ports and learn about their experiences dealing with Covid and overcoming problems. Commissioner Malcolm added he was able to share the Port's lessons learned as well. Commissioner Malcolm stated that there was a great line-up of speakers including a presentation where the Port's EConcrete project was featured prominently. Commissioner Naranjo added that the conference ended with a tour of Pier 51 terminal and the, not yet opened, Kapalama Container Terminal (KCT). Commissioner Naranjo reported that the US Department of Transportation awarded 47.3 million of the Port Infrastructure Development Program funds to fund the development of KCT green which would increase efficiency, safety of goods movement to and from the Hawaiian islands and reduce emissions and environmental impact of Port cargo handling operations. Commissioner Naranjo also said that the project is under a Master Project Labor Agreement.

G. Special Recognition

BPC Policy 250 - Service Recognition Program, allows employees that have achieved 15 or more years of service to be recognized during a Board meeting.

The following staff were recognized for their tenure: Janet Graham, Document Management Associate, Office of the District Clerk - 15 years of service; Stephanie Bauer, Program Manager, Planning & Environment - Environmental Protection - 15 years of service; and Maby Smith, Executive Assistant I, Engineering-Construction - 20 years of service.

Gina Jacobs, Business & Community Partner, Diversity, Equity and Inclusion (DEI), announced that February is Black History Month and the national theme this year is Black Resistance: A Journey to Equality. Ms. Jacobs shared that Port staff will celebrate Black History Month on February 24th, 2023, with a performance from the Martin Luther King Jr. Community Choir and food from small local black businesses.

H. President's Report.

Joe Stuyvesant, President/CEO, announced that the California Coastal Commission approved a Coastal Development Permit for the Port of San Diego and USS Midway Museum's proposed "Freedom Park" on Navy Pier. The park connects with the adjacent park areas that also reflect San Diego's military to create the largest veteran's park on the west coast. Mr. Stuyvesant thanked all who contributed to this project including Christopher Neils, Chair of USS Midway Museum Board of Directors, who thanked the Port of San Diego for their leadership, collaboration and contribution on the project.

Mr. Stuyvesant then shared that the southern California Ports, the California Department of Transportation, and the Union Pacific and Burlington Northern Santa Fe (BNSF) Railroads for the Supporting Environmental and Community Advancement and National Security (SEACANS) project, which will focus on a regional approach to infrastructure needs for freight movement corridors.

Mr. Stuyvesant also shared he and staff will attend the annual California Ports Day in Sacramento on February 15th, 2023, with the primary objectives to raise awareness of the work ports do in their communities and their contributions to the State of California as well as to discuss issues with policymakers and collaborate on shared priorities.

Finally, Mr. Stuyvesant announced that the Compass Award, a perpetual award, which was created during the Port's 50 Anniversary is being passed to Shirley Parsons, Diversity, Equity, and Inclusion Manager, as the longest serving current employee in honor of her 33 years of service. Ms. Parsons began as an Office Assistant in 1989 and was promoted to seven other positions. Ms. Parsons has been involved in several major events and programs, including serving as the Disadvantaged Business Enterprise Liaison Officer for the San Diego International Airport and participating in the Port's first Equal Opportunity Symposium in 2006.

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 7 - File 2023-0032, Item 8 - File 2022-0236, and Item 10 - File 2023-0021.

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 2 - File 2023-0047, and Item 9 - File 2023-0042.

On a motion made by Commissioner Zucchet, seconded by Commissioner D. Moore, 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 Michael Zucchet

Nays: 0

Excused: 2 - Ann Moore, and Frank Urtasun

Absent: 0

Abstain: 0

Recused: 0

APPROVAL OF MINUTES

[2023-0051](#) Approval of minutes for:

January 10, 2023 - CLOSED SESSION

January 10, 2023 - BPC MEETING

On a motion made by Commissioner Urtasun, seconded by Commissioner Naranjo, the Board approved the January 10th, 2023 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

Chairman Castellanos recused himself from Item 5 - File 2023-0034 due to relationship one of his partners has with one of the involved parties and did not participate.

On a motion made by Commissioner D. Moore, seconded by Commissioner Urtasun, the Board adopted Items 1 - 4 and 6; Resolution 2023-009; Resolution 2023-010; Resolution 2023-011; Resolution 2023-012; Resolution 2023-013; Resolution 2023-014; and Resolution 2023-020. 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. [2022-0404](#) PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS

A) RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE DISTRICT FY 2023 BUDGET, TRANSFERRING \$172,836 FROM THE ELEVATOR CAR IMPROVEMENTS AT SAN DIEGO BAYFRONT PARKING GARAGE PROJECT AND \$175,000 FROM FY 2023 MAJOR MAINTENANCE CARRY OVER FOR THE PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS.

B) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301 AND 15304 AND APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-15R TO 3SIXTY INNOVATION INC IN THE AMOUNT OF \$1,209,874 FOR THE PAVEMENT IMPROVEMENTS AT SHELTER ISLAND PARKING LOTS PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2023 MAJOR MAINTENANCE PROGRAM. FUNDS REQUIRED FOR THE FISCAL YEAR 2023 HAVE BEEN BUDGETED IN THE MAJOR MAINTENANCE PROGRAM.

On a motion made by Commissioner D. Moore seconded by Commissioner Urtasun, the Board adopted Resolution 2023-009 and Resolution 2023-010 as part of the Consent agenda.

2. [2023-0047](#) ADOPT ORDINANCE GRANTING LEASE AMENDMENT NO. 2 TO SHM CABRILLO ISLE, LLC A DELAWARE LIMITED LIABILITY COMPANY DBA "CABRILLO ISLE, LLC", AMENDING CHARTER VESSEL USE PROVISION AND RELATED PERCENTAGE RENT PROVISIONS

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. [2023-0024](#) 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 2023
B. RESOLUTION APPROVING THE CALENDAR YEAR 2023 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A

On a motion made by Commissioner D. Moore seconded by Commissioner Urtasun, the Board adopted Resolution 2023-011 and Resolution 2023-012 as part of the Consent agenda.

4. [2022-0375](#) FIBER OPTIC INFRASTRUCTURE PHASE 4B

A. RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15303, AND 15304 AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH FOR THE CONSTRUCTION OF THE FIBER OPTIC INFRASTRUCTURE PHASE 4B PROJECT FOR A NOT-TO-EXCEED AMOUNT OF \$655,300.20 FUNDED IN PART BY HOMELAND SECURITY PORT SECURITY GRANT PROGRAM FY18 (\$480,875) AND CITY OF IMPERIAL BEACH SHARE (\$156,410.31).

B. RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15301, 15303, AND 15304 AND RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2019-31 TO TEL TECH PLUS, INC. IN THE AMOUNT OF \$655,300.20 FOR THE FIBER OPTIC INFRASTRUCTURE PHASE 4B, IMPERIAL BEACH, CA PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 22/23 TECHNOLOGY MANAGEMENT PROGRAM.

On a motion made by Commissioner D. Moore seconded by Commissioner Urtasun, the Board adopted Resolution 2023-013 and Resolution 2023-014 as part of the Consent agenda.

6. [2023-0037](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion made by Commissioner D. Moore seconded by Commissioner Urtasun, the Board adopted Resolution 2023-020 as part of the Consent agenda.

5. [2023-0034](#) RESOLUTIONS FOR AS-NEEDED SERVICE AGREEMENTS FOR FIVE-YEAR DURATIONS, WITH NO INCREASE TO THE MAJOR MAINTENANCE, BALANCED CAPITAL PROGRAM AND OTHER CAPITAL AND EQUIPMENT OUTLAY BUDGETS, AS FOLLOWS:

A) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH SCHMIDT DESIGN GROUP, INC., KTU&A, AND SPURLOCK LANDSCAPE ARCHITECTS FOR AS-NEEDED LANDSCAPE ARCHITECTURE SERVICES FOR AN AMOUNT NOT TO EXCEED \$4,000,000

B) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH BSE ENGINEERING, INC., BURNS AND McDONNELL ENGINEERING COMPANY, INC., BUREAU VERITAS NORTH AMERICA, INC., THE ENGINEERING PARTNERS, INC., RANDALL LAMB ASSOCIATES, INC., AND MOFFATT & NICHOL FOR AS-NEEDED ELECTRICAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$10,000,000

C) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCE CONSULTANTS, RINCON CONSULTANTS, INC., AND KLEINFELDER, INC. FOR AS-NEEDED ENVIRONMENTAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$2,000,000

D) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCE CONSULTANTS, KLEINFELDER, INC., AND BARNETT QUALITY CONTROL SERVICES, INC. DBA NOVA SERVICES, INC. FOR AS-NEEDED GEOTECHNICAL ENGINEERING SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,500,000

E) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS WITH PARADIGM GEOSPATIAL, INC., NV5, INC., TOWILL, INC., AND PSOMAS FOR AS-NEEDED SURVEYING SERVICES FOR AN AMOUNT NOT TO EXCEED \$2,500,000

Chairman Castellanos recused himself from Item 5 - File 2023-0034 due to relationship one of his partners has with one of the involved parties and did not participate.

On a motion made by Commissioner D. Moore, seconded by Commissioner A. Moore, the Board adopted Resolution 2023-015; Resolution 2023-016; Resolution 2023-017; Resolution 2023-018; and Resolution 2023-019. 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: 0

Absent: 0

Abstain: 0

Recused: 1 - Rafael Castellanos

PUBLIC HEARING AGENDA

7. [2023-0032](#) CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15301, 15304, AND 15305 AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, SECTION 8.05 - VENDING AND PERFORMING, REGULATED TO VENDING AND EXPRESSIVE ACTIVITY, REGULATED TO:
- (1) INSTITUTE A PERMITTING SYSTEM FOR VENDORS ENGAGED IN THE SALE OF FOOD AND COMMERCIAL MERCHANDISE AT SPECIFIC PUBLIC LOCATIONS,
 - (2) ESTABLISH OUTDOOR NOISE LIMITATIONS FOR ALL VENDING AND EXPRESSIVE ACTIVITY, AND
 - (3) INCREASE THE TOTAL NUMBER OF DESIGNATED AREAS AND ALLOTTED SPACES FOR EXPRESSIVE ACTIVITY AND AUTHORIZED VENDING, AND
 - (4) CLARIFY THE DISTRICT'S PENALTIES AND ENFORCEMENT PROCEDURES

Michael Brown, Vice President, Marketing & Communications, joined by Larry Hofreiter, Director, Parks and Recreation, Simon Kann, Assistant General Counsel, Office of the General Counsel, Captain Jonathan George, Harbor Police Department, and Matthew Richardson, Outside Counsel, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 7 - File No. 2023-0032 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).

Chairman Castellanos opened the Public Hearing.

The following member(s) of the public addressed the Board with agenda-related comments: Uriel Morales, Tony D., Kori Pike, William J Doresett, Christopher Holtwick, Michell McFadden, Sharon Cloward, Miguel Avila Morales, Mohamed Bel Hajardallah, Najib Sekver, Christian Plascims, Robert Nasuimento, Mike Fath, Natasha Salgado, and Ron Satalof.

Chairman Castellanos closed the Public Hearing.

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

Commissioner A. Moore made a motion to adopt an ordinance finding the action exempt under CEQA and amending Section 8.05 changing the 4 months to 6 months vending permit system beginning on May 1, 2023 and to return to the Board with a report in 1 year. Chairman Castellanos requested the maker of the motion to amend the motion to return to the Board with a report in 7 months which would also benefit the allocation of time for applicants based on merit. The maker of the motion accepted and amended the motion also adding that the

first permit issued be for 7 months and thereafter, permits issued for 6 months. In addition, the motion calls for removal of the language "applicants shall not be eligible for a permit in the same Designated Area for the next two subsequent drawing cycles". Seconded by Commissioner Urtasun the Board adopted Ordinance 3075. 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

8. [2022-0236](#) UPDATE ON PROPOSED PLAN OF DEVELOPMENT FROM CAYS RESORT, LLC A DELAWARE LIMITED LIABILITY COMPANY, TO DEVELOP COTTAGE-STYLE RV PARK MODELS IN THE CORONADO CAYS WITH DIRECTION TO STAFF REGARDING PROCESSING OF THE PROJECT APPLICATION:
- A) PROVIDE FEEDBACK TO STAFF ON THE PROJECT APPLICATION; AND/OR
 - B) DIRECT STAFF TO PROCESS THE PROJECT APPLICATION FOR THE PROPOSED PLAN; OR
 - C) OBJECT TO THE PLAN AND DIRECT STAFF TO SEND CAYS RESORT, LLC A WRITTEN OBJECTION LETTER

Tony Gordon, Director, Real Estate, joined by Christian Anderson, Department Manager, Real Estate, Wileen Manaois, Director, Development Services, Lesley Nishihira, Director, Planning, Rebecca Harrington, Assistant General Counsel, Office of the General Counsel, Representatives from Cays Resort, LLC, including Keith Mishkin, Greg Mueller, and Victor Avina, addressed the Board with staff's report and presentation regarding Action Agenda Item 8 - File No. 2023-0236 (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: Carrie Downey, Coronado City Council, Councilwoman; Mike Donovan, Coronado City Council, Councilmember; Garry Bonelli, Commissioner Emeritus; Richard Tolles; Dawn Richards; Doris Besikof; Helen Kupka; Mary Berube; Leonard Fishler time ceded to David Murree; David Murree; Penny Brooke; Brigitte Browning; Marvin Heinze; Gary Davidson; Jim Besikof; Kathy McKinley; Teresa Bertorelli; Becki Lock; Lisa Brenden; Henry Angelino; Ellen Schulte; Heidi Wilson; Mark Crisson; Kim Tolles; Caryn Clausen; Erika Lowery; Steve Bowman; Sharon Cloward, President, San Diego Working Waterfront; Carol Kim, Building Trades Council; Betty Schulman; Anonymous; Anonymous; Anonymous; Anonymous; Anonymous; Blanco Uribe; Bonnie Garrett; Carol & James Beatty; Carolyn Kemp; Cesar Zepada, Member, Local Union 1399; Clotilde Luna; David Separa, Member, Local Union 1399; Denise Ariano; Diego, Member, Local Union 1399; Francis Kerrigan; Gretchen Newsom, IBEW 569; Harvey Friedman; Jack

Donald; James Brenner; Jason Langham; Jeff Kelly; Jessie Garcia, Representative with the Carpenters; Jim Riopelle; Jimmy Dabran; Joe & Debra Burding; John Graham; Jordon, Member, Local Union 1399; Joseph Fuentes, Member, Local Union 1399; Joseph Santos, Member, Local Union 1399; Kevin Barrios, Laborers Local 89; Kevin Reilly; Lindsey; Lynn; Mariluz Cornejo; Marshall & Kimberly Meyers; Nephi Hancock Member, IBEW Local 569; Oscar Montano, Member, Local Union 1399; Peggy Jocelyn; Scott Bart; Sergio & Christine Mummert; Stacey Kelly; Steve Hilton; Tim Rush; Tony Sanchez, Member, Local Union 1399; Joni Ann Kowalczyk; Bruce G. Lloyd Jones; Christian Ortiz, Member, Local Union 913; and Gabriel Garcia Rodriguez, Member, Local Union 1399.

Commissioner Urtasun, Commissioner A. Moore, Commissioner Zucchet, Commissioner Malcolm, Commissioner D. Moore, and Chairman Castellanos provided comments and asked clarifying questions. Rebecca Harrington, Wileen Manaos, Lesley Nishihira, Keith Mishkin and Christian Anderson responded.

On a motion by Commissioner A. Moore, seconded by Commissioner Malcolm, directed staff to go forward to process the project application. The motion carried by the following vote:

Yeas: 4 - Dan Malcolm, Ann Moore, Danielle Moore, and Michael Zucchet

Nays: 3 - Rafael Castellanos, Sandy Naranjo, and Frank Urtasun

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

9. [2023-0042](#) 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.

10. [2023-0021](#) ADOPT AN ORDINANCE REGARDING PROJECT LABOR AGREEMENTS AND LABOR PEACE AGREEMENTS FOR CERTAIN CONSTRUCTION AND OPERATIONS ON DISTRICT TIDELANDS

Job Nelson, Vice President, Strategy and Policy, joined by Christine Antoine, Senior Policy Administrator, Strategy and Policy, Shaun Sumner, Vice President, Business Operations, and Simon Kann, Assistant General Counsel, Office of the General Counsel, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2023-0021 (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: Jose Rodriguez, City of National City, Councilmember, Brigitte Browning, Executive Secretary Treasurer, San Diego Imperial Counties Labor Council; Marshall Anderson time ceded to Fred Tayco; Fred Tayco, San Diego Lodging Association; Robert Gleason, CEO, Evans Hotels; Carol Kim, Business Manager, San Diego Building Trades Council; Abdur-Rahim Hameed, National Black Contractors; Damon Searcy, IBEW 569; Gretchen Newsom, IBEW 569; Maya Tahilramani, Vice President, San Diego Refrigerated Services, time ceded to Sharon Cloward; Frank Plant, Secretary/Treasurer, Harborside, time ceded to Sharon Cloward; Sharon Cloward, President, San Diego Working Waterfront; Geoff Vaughn; Kerry Gaber, Host Hotels; Christina Basso; Christopher Allen; Dustin Steiner, Associated General Contractors San Diego Chapter; Eduardo Pico, Hard Rock Hotel, San Diego; Francisco Pena; Jesse Garcia, Representative, Carpenters Union; Valen Magnus; Jimmy Burton, Food and Beverage, Hard Rock Hotel, San Diego; Jorge Viramontes, Southwest Union Class of Carpenters; Josh Coyne, Vice President of Policy, Downtown San Diego Partnership; Julia Hernandez; Lydia Bartell, Bartell Hotels; Margie; Meli Morales, Environmental Health Coalition; Richard Markuson, Western Electrical Contractors Association; Stephanie Benvenuto, San Diego Regional Chamber of Commerce; Victor Diaz; Peter Engard, Hotel and Lodging Community; Eric Christen, Executive Director, Coalition for Fair Employment in Construction.

Commissioner Zucchet, Commissioner Naranjo, Commissioner A. Moore, Commissioner Malcolm, and Chairman Castellanos provided comments and asked clarifying questions. Job Nelson and Shaun Sumner responded.

On a motion by Commissioner Zucchet, seconded by Commissioner A. Moore, the Board adopted Ordinance 3076. 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

11. [2023-0018](#)
- A. PRESENTATION ON THE FY 2023 PROJECTED YEAR-END FINANCIAL RESULTS AND DIRECTION TO STAFF
- B. ADOPT ORDINANCE TO AMEND THE FY 2023 BUDGET:
- I. INCREASING THE FOLLOWING APPROPRIATIONS WITH FUNDING OF \$4,598,300 FROM RESTRICTED FUNDS, GRANTS, AND OTHER SOURCES OF FUNDS:
1. NON-PERSONNEL EXPENSE APPROPRIATION BY \$3,751,400, AND
 2. EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$846,900
- II. INCREASING THE FOLLOWING APPROPRIATIONS WITH FUNDING OF \$5,626,600 FROM SAVINGS IN PERSONNEL BUDGET:
1. NON-PERSONNEL EXPENSE APPROPRIATION BY \$3,966,300,
 2. EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$1,505,300, AND
 3. TECHNOLOGY MANAGEMENT PROGRAM - CAPITAL APPROPRIATION BY \$155,000

Robert DeAngelis, Chief Financial Officer/Treasurer addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2023-0018 (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, Mayor, City of National City; Meli Morales, Environmental Health Coalition.

Commissioner Naranjo, and Commissioner A. Moore provided comments and asked clarifying questions. Robert DeAngelis and Joe Stuyvesant, President/CEO, responded.

On a motion by Commissioner A. Moore, seconded by Commissioner Zucchet, the Board adopted Ordinance 3077. 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

12. [2023-0041](#) PRESENTATION ON RECENT CHANGES IN TELECONFERENCING UNDER THE BROWN ACT (AB 2449) AND FORMAT OF BOARD OF PORT COMMISSIONERS AND CERTAIN OTHER MEETINGS, AND DIRECTION TO STAFF
- Commissioner Urtasun made a motion to direct staff to accept Commissioner participation under AB 2449 for Board Meetings and revert back to traditional Brown Act rules for retreats, workshops and advisory committees. Commissioner A. Moore seconded the motion. 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
13. [2023-0002](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MARCH 14, 2023 MEETING
- President/CEO Joe Stuyvesant requested that the Munciple Service Agreements (MSA's) item listed on the March agenda be moved to the April agenda. Commissioner Zucchet made a motion to approve the proposed agenda with the requested change. Commissioner Urtasun seconded the motion. 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

OFFICER'S REPORT

14. [2023-0048](#) OFFICER'S REPORT
- MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:
- A) Change Order No. 1 for Contract No. 2022-18 with CWS Construction Group, Inc. - Reconciliation - Decreases Contract Amount by \$1,000.00

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

A) Request for User Fee Waiver Form from San Diego Gas & Electric (SDG&E) for Power Your Drive for Fleets at General Services, for total amount of \$4,714.00

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 (#71973) with Malibu Farm Seaport Village dba Malibu Farm - Amends Various Sections to Modify Initial Term, Option to Extend, Rent, Termination, and Casualty

B) Amendment No. 5 to Lease (#72126) with United States of America, General Services Administration (GSA) on Behalf of the United States Coast Guard - Establishes Rent for Parcel 2, and Finalizes Tenant Improvement Costs Lump Sum Payment

C) Amendment No. 6 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

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 - ...	
Source Envelope:	
Document Pages: 49	Signatures: 12
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Janet Graham
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	3165 Pacific Highway
	San Diego, CA 92101
	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

Signer Events	Signature	Timestamp
Danielle Moore		Sent: 3/15/2023 2:55:37 PM
dmoore@portofsandiego.org		Viewed: 3/15/2023 3:32:20 PM
Security Level: Email, Account Authentication (None)		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		Sent: 3/15/2023 3:34:51 PM
dmorales@portofsandiego.org		Viewed: 3/16/2023 1:20:35 PM
District Clerk		Signed: 3/16/2023 1:21:12 PM
Security Level: Email, Account Authentication (None)	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		Sent: 3/15/2023 2:25:20 PM
mhernandez@portofsandiego.org		Viewed: 3/15/2023 2:55:36 PM
Security Level: Email, Account Authentication (None)		
	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
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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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Sally Raney
sraney@portofsandiego.org
Security Level: Email, Account Authentication
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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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Withdrawing your consent

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.

All notices and disclosures will be sent to you electronically

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.

How to contact San Diego Unified Port District:

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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