



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, September 13, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

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\*\*\*\*Pursuant to Assembly Bill 361 and state or local officials' continued recommend measures to promote social distancing in response to the COVID-19 pandemic, the BOARD OF PORT COMMISSIONERS (BOARD) hereby provides notice that it will hold a regular meeting of the BOARD. Some of the COMMISSIONERS may attend the meeting and participate remotely to the same extent as if they were present.

The public is welcome to attend in person, or alternatively:

MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:  
<https://www.portofsandiego.org/about-port-san-diego/board-meetings>

### PROVIDING PUBLIC COMMENT

Public comment is limited to 3 minutes per speaker on both agenda, and non-agenda items. The time allotted for speakers may be adjusted by the Board Chair at his or her discretion.

PUBLIC COMMENT IS AVAILABLE FOR THIS MEETING BY DOING ONE OF THE FOLLOWING NO LATER THAN THE TIME THE PUBLIC COMMENT PORTION FOR THE AGENDA ITEM IS CONCLUDED, HOWEVER THE PUBLIC IS STRONGLY ENCOURAGED TO DO SO PRIOR TO THE ITEM BEING CALLED

In-Person Participation: Complete and submit a Speaker Slip and give to the District Clerk

Remote Participation:

1. Call 619-736-2155 and leave a brief voicemail message that will be played during the meeting. A voicemail longer than the time allotted for public comment on that item will be stopped after that time has elapsed.
2. Email a request to provide live comment to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) to receive a link to participate in the meeting to provide live comments. \*
3. Submit written comments to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) which will be forwarded to the Board and included in the agenda-related materials record for the meeting.

UNA TRANSMISIÓN EN INGLÉS Y EN ESPAÑOL DE LA REUNIÓN DE LA JUNTA ESTARÁ DISPONIBLE AL PÚBLICO A TRAVÉS DE UNA TRANSMISIÓN EN DIRECTO EN:

<https://www.portofsandiego.org/about-port-san-diego/board-meetings>

**NOTA ESPECIAL PARA PARTICIPANTES DE COMENTARIOS PÚBLICOS:**

Servicios de interpretación estarán disponibles durante la reunión para traducir comentarios públicos del español al inglés.

\* The Port of San Diego is not responsible for the member of the public's internet connections or technical ability to participate in the meeting. It is highly recommended that you use voicemail rather than provide live comment.

In keeping with the Americans with Disabilities Act (ADA), the San Diego Unified Port District will make every reasonable effort to encourage participation in all its public meetings. If you require assistance or auxiliary aids in order to participate at this public meeting, please contact the Office of the District Clerk at [publicrecords@portofsandiego.org](mailto:publicrecords@portofsandiego.org) or (619) 686-6206 at least 48 hours prior to the meeting.

**A. Roll Call.****B. Pledge of Allegiance.****C. Closed Session Report Out.****D. Public Communications.**

*Please limit comments to 3 minutes per speaker. No actions may be taken on these items.*

**E. Board Committee Reports.****F. Commissioners' Reports.**

*No actions may be taken on these items.*

**G. Special Recognition**

- National Hispanic Heritage Month
- Mexican Independence Day
- Rosh Hashanah
- Employee Service Awards

**H. President's Report.****I. District Clerk's Announcements.****APPROVAL OF MINUTES**

[2022-0297](#)

Approval of minutes for:

August 9, 2022 - CLOSED SESSION

August 9, 2022 - BPC MEETING

**CONSENT AGENDA**

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
  
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
  
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
  
4. [2022-0222](#) RESOLUTION APPOINTING JANICE SPEROW AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 13, 2022 TO SEPTEMBER 1, 2023
  
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 AWARDDING 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.

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

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.

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

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.
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.
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.
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.

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.
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
15. [2022-0283](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

### **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
17. [2022-0281](#) PRESENTATION TO THE BOARD ON UPCOMING CLASSIFICATION AND COMPENSATION STUDY

**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.

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.

20. [2022-0026](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 11, 2022 MEETING

**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