



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, March 14, 2023

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

Present: 5 - Chairman Rafael Castellanos, Commissioner Dan Malcolm, Commissioner Danielle Moore, Commissioner Sandy Naranjo, and Commissioner Michael Zucchet
Excused: 2 - Commissioner Ann Moore, and Commissioner Frank Urtasun
Absent: 0
Recused: 0

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

B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Commissioner, if applicable

No requests received.

C. Pledge of Allegiance.

Commissioner D. Moore led the pledge of allegiance.

D. 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 and did not participate in Item 3 - File 2023-0075 due to employment with former law firm who represents one of the parties in that matter.

E. Public Communications.

The following member(s) of the public addressed the Board with non agenda-related comments: Ronald Petzolck, Peter Politzer, and Greg Herbster.

F. Board Committee Reports.

None.

G. Commissioners' Reports.

Commissioner Naranjo provided a report on the Transportation Committee of the San Diego Association of Governments meeting held in February. Commissioner Naranjo shared highlights of the meeting that included; Specialized Transportation Grant Program Cycle 12 call for project funding; presentation and update to fiscal year 2024 – 2028 Transit Program; informational update on the NextGen Rapid; and an informational update on the Youth Opportunity Pass Pilot Program. Additionally, Commissioner Naranjo thanked San Diego County Board of Supervisors Chair, Nora Vargas, who also serves as Chair on SANDAG, for appointing her to serve on the California Association of Councils of Governments (CALCOG).

Commissioner Naranjo then reported that the Portside Community Steering Committee met on February 28, 2023. Commissioner Naranjo shared that the following items were discussed: the San Diego Air Pollution Control District presented proposed updates to the Portside Community Steering Committee Charter regarding membership and voting protocols; and formation of three new subcommittees, Community Outreach Subcommittee, Air Monitoring Subcommittee, and Community Emissions Reduction Plan (CERP) Implementation & Funding Subcommittee.

H. Special Recognition

Cheryl Smoot, Business & Community Partner, Diversity, Equity and Inclusion (DEI), gave a recap of last month's Black History celebration and shared a video clip of the Martin Luther King Jr. Community Choir of San Diego who performed. Ms. Smoot then announced that March is Women's History Month and shared that later in the month, staff will have the opportunity to participate in a celebration featuring stories from a panel of women at the Port coinciding with the theme, "Celebrating Women Who Tell Our Stories". Ms. Smoot added that the Port is offering scholarships for women for the LEAD Advance, and the Latina Success Leadership programs. Lastly, Ms. Smoot recognized the following celebrations: Holi on March 8; Nowruz on March 21; and Ramadan on March 22.

Lesley Nishihira, Director, Planning, introduced Aryana Sherzai, the Port's first CivicSpark Fellow who joined the Planning Department in February. Ms. Nishihira reported that the CivicSpark program is dedicated to building capacity of local public agencies to address community resilience issues. Ms. Nishihira shared that Ms. Sherzai will be supporting the Port's coastal resiliency and adaptation efforts, and facilitating implementation of waste diversion and water conservation measures to reach greenhouse gas emission goals set in the Port's Climate Action Plan (CAP).

I. President's Report.

Joe Stuyvesant, President/CEO, announced that on January 13, 2023, the Port held a media event in which Chairman Castellanos provided interviews regarding the completion of the Port's second shore power project. This project provides the ability for two ships to plug in to the electric grid simultaneously, greatly reducing emissions from ship's diesel generators which help the Port meet its clean air goals.

Mr. Stuyvesant reported that last month he, Job Nelson, Vice President, Strategy and Policy, Mike LaFleur, Vice President, Maritime, and David Yow, Legislative Policy Administrator, traveled to Sacramento for California Ports Day. Mr. Stuyvesant shared that it was an opportunity to meet state policymakers including California State Transportation Agency Secretary, Toks Omishakin, who's agency will be announcing

grant awards for the Port and Infrastructure Program, to which the Port has applied for funding improvements at National City Marine Terminal, Harbor Drive, and Tenth Avenue Marine Terminal.

Mr. Stuyvesant also shared that on February 28, 2023, he and members of the Port's Executive Leadership Group hosted the Navy Region Southwest Executive Steering Committee. The meeting included a discussion regarding shared challenges and opportunities, and a tour of Pasha's operations at the National City Marine Terminal. Additionally, Mr. Stuyvesant stated that the Port recently sold two quarters of Low Carbon Fuel Standard (LCFS) credits generated by the Navy for approximately \$5M dollars.

Mr. Stuyvesant then reported that the Port sponsored and participated in Oceanology International America conference, an event which focused on sustainably operating the world's oceans and waterways. Mr. Stuyvesant stated the Port had a booth that focused on the Blue Economy Incubator and other sustainability initiatives. Staff, including Paula Sylvia, Program Director, Aquaculture and Blue Tech Team, participated on a panel discussion titled "Future Ocean Solutions - Innovate & Accelerate". Port staff also participated in a waterside tour hosted by UK Innovate and the Canadian Delegations.

Lastly, Mr. Stuyvesant announced that the Port will host its first Annual People of the Port career fair on April 7th at the InterContinental.

J. District Clerk's Announcements.

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

Ms. Morales then announced that staff requests that the Board consider the following items be continued to a future Board meeting: Item 1 - File 2023-0068, Item 8 - File 2023-0069, and Item 9 - File 2023-0067.

On a motion made by Commissioner Malcolm, seconded by Commissioner Naranjo, 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

[2023-0078](#) Approval of minutes for:

February 14, 2023 - CLOSED SESSION

February 14, 2023 - BPC MEETING

On a motion made by Commissioner Naranjo, seconded by Commissioner Zucchet, the Board approved the February 14th, 2023 minutes. 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

CONSENT AGENDA

On a motion made by Commissioner Malcolm, seconded by Commissioner D. Moore, the Board adopted Items 2 - 7; Resolution 2023-021; Resolution 2023-022; Resolution 2023-023; Resolution 2023-024; Resolution 2023-025; Resolution 2023-026; and Ordinance 3078. 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

1. [2023-0068](#) ORDINANCE GRANTING A SIXTY-SIX (66) YEAR EASEMENT, IN SUBSTANTIAL FORM, TO SAN DIEGO GAS & ELECTRIC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF UNDERGROUND ELECTRICAL FACILITIES IN CONNECTION WITH PHASE 1A OF THE CHULA VISTA BAYFRONT PROJECT IN THE CITY OF CHULA VISTA, CALIFORNIA

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

This item was continued to a future Board meeting.

2. [2023-0040](#) ADOPT RESOLUTION APPOINTING TAYLOR SAMUELSON TO THE SAN DIEGO UNIFIED PORT DISTRICT AUDIT OVERSIGHT COMMITTEE FOR A TERM OF THREE YEARS DURATION COMMENCING MARCH 15, 2023

On a motion made by Commissioner Malcolm seconded by Commissioner D. Moore, the Board adopted Resolution 2023-021 as part of the Consent agenda.

3. [2022-0399](#) RESOLUTIONS CONSENTING TO THE FOLLOWING SUBLEASES FROM SEAPORT VILLAGE OPERATING COMPANY, LLC DBA THE HEADQUARTERS, LOCATED AT 789 WEST HARBOR DRIVE TO THE FOLLOWING SUBTENANTS:

A) MEXICAN STREET FOOD, LLC DBA PUESTO, FOR A 10 YEAR SUBLEASE EXTENSION

B) GALPAO GAUCHO EIGHT, LLC DBA GALPAO GAUCHO BRAZILIAN STEAKHOUSE, FOR A 12 YEAR SUBLEASE

C) Z GOLF FOOD & BEVERAGE SERVICES, LLC DBA WEDGEWOOD WEDDINGS AND EVENTS, FOR A 20 YEAR SUBLEASE WITH ONE 5-YEAR OPTION TO EXTEND

On a motion made by Commissioner Malcolm seconded by Commissioner D. Moore, the Board adopted Resolution 2023-022; Resolution 2023-023; and Resolution 2023-024 as part of the Consent agenda.

4. [2023-0060](#) RESOLUTION AUTHORIZING AN AMENDMENT TO THE PURCHASE AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF FOURTEEN (14) ELECTRIC VEHICLES. THE MAXIMUM EXPENDITURE OF THE PURCHASE AGREEMENT WILL BE INCREASED BY \$40,000 FOR A NEW MAXIMUM EXPENDITURE OF \$860,000. PRICE ADJUSTMENTS ARE NEEDED DUE TO THE VEHICLE MANUFACTURER'S INABILITY TO FULFILL ALL MODEL YEAR 2022 VEHICLE ORDERS AND SHIFTING UNFULFILLED ORDERS TO MODEL YEAR 2023. PRICE

ADJUSTMENTS INCLUDE INCREASED MANUFACTURING AND MATERIAL COST FOR THE MODEL YEAR 2023 ELECTRIC VEHICLES. FUNDS FOR THE PROPOSED VEHICLE PURCHASES FOR THIS FISCAL YEAR ARE BUDGETED WITHIN THE ECONOMIC RECOVERY PROGRAM. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM OF THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion made by Commissioner Malcolm seconded by Commissioner D. Moore, the Board adopted Resolution 2023-025 as part of the Consent agenda.

5. [2023-0063](#) RESOLUTION TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY DUE TO COVID-19

On a motion made by Commissioner Malcolm seconded by Commissioner D. Moore, the Board adopted Resolution 2023-026 as part of the Consent agenda.

6. [2023-0071](#) ORDINANCE GRANTING A FIFTY-SIX (56) YEAR NON-EXCLUSIVE EASEMENT, IN SUBSTANTIAL FORM, TO IQHQ-RADD I, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO AND FROM NORTH HARBOR DRIVE FOR VEHICULAR AND PEDESTRIAN ACCESS AND FOR THE REPAIR, MAINTENANCE, AND REPLACEMENT OF TIE-BACKS AND VARIOUS UTILITIES AND PUBLIC IMPROVEMENTS ADJACENT TO, UNDER, AND ON NORTH HARBOR DRIVE BETWEEN WEST BROADWAY AND PACIFIC HIGHWAY IN THE CITY OF SAN DIEGO

On a motion made by Commissioner Malcolm seconded by Commissioner D. Moore, the Board adopted Ordinance 3078 as part of the Consent agenda.

PUBLIC HEARING AGENDA

7. [2023-0062](#) 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, AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, SECTION 8.02 - PARK AREAS REGULATED TO CLARIFY HEALTH, SAFETY, AND GENERAL WELFARE RESTRICTIONS WITHIN THE LIMITS OF EMBARCADERO MARINA PARK SOUTH DURING SCHEDULED PERFORMANCES AT THE RADY SHELL.

Michael Brown, Vice President, Marketing & Communications, joined by David Jones, Deputy General Counsel IV, Office of the General Counsel, Wileen Manaois, Director, Development Services, and Lesley Nishihira, Director, Planning, addressed the Board with staff's report and presentation regarding Public Hearing Agenda Item 7 - File No. 2023-0062 (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: Travis Winger, Vice President of Venue Operations, San Diego Symphony; and Sharon Cloward, President, San Diego Working Waterfront.

President/CEO Joe Stuyvesant, Commissioner Zucchet, Commissioner Malcolm, and Chairman Castellanos provided comments and asked clarifying questions. Michael Brown, President Stuyvesant, David Jones, Thomas Russell, General Counsel, and Wileen Manaois responded.

Chairman Castellanos closed the Public Hearing.

On a motion by Commissioner Naranjo, seconded by Commissioner D. Moore, the Board adopted Ordinance 3079. 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

ACTION AGENDA

- 8. [2023-0069](#) UPDATE ON PUBLIC INFRASTRUCTURE AND POTENTIAL FUNDING SOURCES, INCLUDING A FAIR SHARE FEE PROGRAM, FOR THE REDEVELOPMENT OF EAST HARBOR ISLAND AND DIRECTION TO STAFF

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

This item was continued to a future Board meeting.

- 9. [2023-0067](#) DISTRICT SPONSORSHIP PROGRAMS
 - A. RECEIVE UPDATES ON DISTRICT EVENT SPONSORSHIP PROGRAMS MANAGED BY PARKS & RECREATION AND PROVIDE DIRECTION TO STAFF REGARDING PROPOSED CHANGES TO SPECIAL EVENT SPONSORSHIP PROGRAMS AND BALANCED ACCESS TO PORT PARKS
 - B. ADOPT RESOLUTION AMENDING BPC POLICY NO. 771: TIDELANDS ACTIVATION PROGRAM, TO INCORPORATE POLICY UPDATES, REDEFINE SPECIAL EVENT SPONSORSHIP CATEGORIES, AND CLARIFY ADMINISTRATIVE PRACTICES

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. [2023-0003](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE APRIL 11, 2023 MEETING

On a motion by Commissioner Zucchet, seconded by Commissioner Naranjo, the Board approved the proposed agenda for April. 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

OFFICER'S REPORT

- 11. [2023-0064](#) OFFICER'S REPORT

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

A) Change Order No. 01 for Contract No. 2020-14 with Jerusalem Construction, Inc. dba Miramar General Engineering - Reconciliation - Decreases Contract by \$2,500.00 & 29 Calendar Day Time Extension thru 10-27-2022

MONTHLY NOTIFICATION OF COST RECOVERY USER FEE WAIVERS GRANTED BY THE EXECUTIVE DIRECTOR PURSUANT TO BPC

POLICY NO. 106:

A) Request for User Fee Waiver Form from City of Imperial Beach for 4th of July Fireworks Event at Seacoast Drive, for total amount of \$500.00

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

A) Rent Review Letter with Shelter Cove Marina, Ltd. 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:

A) Encumbrance Review and Conditional Consent for Lease with Intrepid Landing, LLC in Favor of First Republic Bank

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

None to Report