



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Minutes

Board of Port Commissioners

Tuesday, March 8, 2022

1:00 PM

Don L. Nay Port Administration Boardroom

A. Roll Call.

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

Excused: 0

Absent: 0

Recused: 0

Commissioner Moore was excused until she arrived.

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

B. Pledge of Allegiance.

Commissioner Urtasun led the Pledge of Allegiance.

C. Closed Session Report Out.

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

D. Public Communications.

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

E. Board Committee Reports.

None.

F. Commissioners' Reports.

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

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

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

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

G. Special Recognition

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

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

H. President's Report.

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

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

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

I. District Clerk’s Announcements.

Donna Morales, District Clerk announced that additional agenda-related materials were received by the Board after publication of the agenda for the following items: Item 8 - File 2022-0011; Item 10 - File 2022-0038; Item 11 - File 2022-0037; and Item 12 - File 2022-0054.

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

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

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

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 1 - Urtasun

APPROVAL OF MINUTES

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

February 8, 2022 - CLOSED SESSION

February 8, 2022 - BPC MEETING

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

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

CONSENT AGENDA

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

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

Nays: 0

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

- 1. [2021-0114](#) RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH 72 HOUR LLC DBA NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF FOURTEEN (14) ELECTRIC VEHICLES IN AN AMOUNT NOT TO EXCEED \$820,000. THIS PURCHASE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE ECONOMIC RECOVERY PROGRAM CAPITAL OUTLAY APPROPRIATED ITEM OF THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

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

- 2. [2021-0116](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH WEX BANK FOR OFFSITE FUELING OF DISTRICT VEHICLES FROM APRIL 1, 2022 TO SEPTEMBER 7, 2025 FOR A NOT TO EXCEED AMOUNT OF \$850,000. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. FUNDS REQUIRED FOR THE CURRENT FISCAL YEAR ARE INCLUDED IN THE APPROVED FISCAL YEAR 2022 BUDGET. ALL FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-023 as part of the Consent agenda.

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

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

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

This Item was continued to a future Board meeting.

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

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-024 as part of the Consent agenda.

5. [2022-0042](#) MARITIME STAKEHOLDER FORUM
 - A. RESOLUTION WAIVING BOARD OF PORT COMMISSIONERS (BPC) POLICY 018A, SECTION 3 TO ALLOW THREE COMMISSIONERS TO SERVE AS FACILITATORS FOR THE MARITIME STAKEHOLDER FORUM DURING 2022
 - B. RESOLUTION APPROVING THE CALENDAR YEAR 2022 ANNUAL WORK-PLAN OF THE MARITIME STAKEHOLDER FORUM PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 018A
On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-025; Resolution 2022-026 as part of the Consent agenda.

6. [2022-0069](#) RESOLUTION REGARDING DISTRICT VIRTUAL MEETINGS IN ACCORDANCE WITH THE RALPH M. BROWN ACT AND ASSEMBLY BILL 361

On a motion by Commissioner Castellanos, seconded by Commissioner Naranjo, the Board adopted Resolution 2022-027 as part of the Consent agenda.

7. [2022-0073](#) ADOPT A RESOLUTION AMENDING THE BOARD OF PORT COMMISSIONERS' MARCH MEETING DATES FOR CALENDAR YEAR 2022

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

PUBLIC HEARING AGENDA

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

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

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

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

Chairman Malcolm closed the Public Hearing.

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

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

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

Nays: 0

Excused: 1 - Naranjo

Absent: 0

Abstain: 0

Recused: 0

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

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

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

ACTION AGENDA

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

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

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

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

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

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

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

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

Board meeting.

This Action Item was continued.

12. [2022-0054](#) WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS:

- A) ADOPT ORDINANCE TO ADD ARTICLE 15 “WIRELESS COMMUNICATION FACILITIES ON DISTRICT TIDELANDS” TO THE SAN DIEGO UNIFIED PORT DISTRICT CODE
- B) ADOPT RESOLUTION RESCINDING BOARD RESOLUTION 2014-227 ADOPTING BOARD OF PORT COMMISSIONERS (BPC) POLICY 772 - GUIDELINES FOR CONDUCTING PROJECT CONSISTENCY REVIEW FOR WIRELESS COMMUNICATION FACILITIES

Due to a power outage, the meeting was adjourned. No action was taken on this item and it will be continued to a future Board Meeting.

This Action Item was continued.

13. [2022-0020](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE APRIL 12, 2022 MEETING

Due to power outage the meeting was adjourned. The Board did not take action on this item.

14. [2022-0066](#) OFFICER’S REPORT

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

- A) Change Order No. 5 for Contract No. 2019-38 with SOLPAC Construction, Inc. dba Soltek Pacific Construction Company - Decreases Contract by \$272,500.00

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

- A) Request for User Fee Waiver Form from Rentunder Holdings AB for Drive-In Boat Wash Demonstration Project, for total amount \$1,308.00
- B) Request for User Fee Waiver Form from City of Coronado for Skateboard Park TUOP Renewal, for total amount \$1,100.00

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

None to Report

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

None to Report

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

None to Report

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

ATTEST:

Clerk of the San Diego Unified Port District