



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, December 8, 2020

1:00 PM

Virtual Meeting

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#### A. Roll Call.

**Present:** 7 - Commissioner Bonelli, Commissioner Castellanos, Commissioner Malcolm, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zuchet

**Excused:** 0

**Absent:** 0

*Commissioner Merrifield was excused until he arrived at 1:08 pm.*

*Officers Present: Coniglio, DeAngelis, Medina, Morales, and Russell*

#### B. Closed Session Report Out.

*Thomas A. Russell, General Counsel, announced that the Board considered Item 2 - File No. 2020-0414 on the Closed Session Agenda and Item 1 - File No. 2020-0412 was continued to a future Board meeting. Mr. Russell stated that no reportable action was taken.*

#### C. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: Janet Rogers, Embarcadero Coalition.*

#### D. Board Committee Reports.

*Commissioner Valderrama reported on the Accessibility Advisory Committee. Commissioner Valderrama shared that the committee reviewed the annual work plan and received an update on the 2020 projects. The committee also recognized Commissioner Valderrama and thanked him for his leadership as Chair for the past four years.*

*Commissioner Valderrama then provided a report on the Maritime Stakeholders Forum. Commissioner Valderrama shared that he, along with Commissioners Castellanos and Malcolm, attended the forum during which they received a report on the operations conducted at the Tenth Avenue Marine Terminal that were made possible by the recent completion of the TIGER project. Because of the expanded dock area, the Port was able to receive windmill blades, as well as participate in a military loadout.*

*Commissioner Castellanos provided a report on the Environmental Advisory Committee. Commissioner Castellanos explained that the Environmental Advisory Committee held its third and final meeting of the year on December 2, 2020. The Committee received two*

presentations. The first presentation was from UC San Diego's Scripps Institute of Oceanography. The Port is collaborating with Scripps on the Resilient Futures: San Diego Bay project. The project's goal is to better understand wave energy and potential flooding around the Bay, both under current conditions and with future sea-level rise. Scripps deployed four wave sensors around the Bay in January 2020 and will continue to collect data through 2022. This data will help the Port characterize shoreline vulnerability, mitigate flooding, and inform adaptive management strategies. The Committee also received an update on the Climate Action Plan and the Local Government Partnership (LGP) with SDG&E. The LGP is a 10-year partnership, concluding this year, that has helped progress much of the Port's Climate Action Plan (CAP) goals, including reducing the Port's utility expenses, supporting energy efficiency audits, CAP planning, greenhouse gas inventorying, and education and outreach for staff and tenants. These presentations complete the Committee's 2020 Annual Work Plan.

Commissioner Zucchet provided a report on the Audit Oversight Committee. The Audit Oversight Committee met on November 30, 2020. The agenda included a presentation from the District's external auditors, Macias, Gini and O'Connell (MGO), on their review of the District's financial statements and federal grants for Fiscal Year 2020. The managing partner, Peter George, provided an update on new GASB (Governmental Accounting Standards Board) rules that will impact the District's financial reporting in the future. The Committee recommended the approval of the Audited Financial Statements and Single Audit Report to the Board for approval later in today's meeting. Mark Yeilding, Acting Port Auditor, presented the Port Auditor's status report on audit activities related to the District's audit plan for Fiscal Year 2021. Mr. Yeilding also discussed the status of hotline reports received through the District's Ethics Hotline.

## **E. Commissioners' Reports.**

Commissioner Merrifield shared an update on the Coronado Bridge Lighting Project. In October 2019, the Port received a permit from the Coastal Commission to conduct the first over water testing of color LED lighting on the Coronado Bay Bridge. Just last month, the Port conducted and successfully completed this 7-day testing. 170 specialized computer programmable luminaires were temporarily mounted on three pillars of the Bridge to produce an amazing display of artistic lighting in dozens of colors, combinations, and sequences. Holidays, special causes, and even the colors of the Port member cities were tested. The purpose of the testing was to evaluate the technical functionality of luminaires, and ensure the ability to effectively produce the broad range of artistic lighting effects that were envisioned.

The testing also enabled the design team to optimize the installation factors including positioning, aiming, focusing, and shielding in order to obtain the best distribution of emitted light on the piers. The mock-up installation and operations were performed by District contractors Southern Contracting Co. of San Marcos and Pro-Cal Lighting Inc. of Vista. On-scene oversight of the testing program was performed by the Port's LA-based design team partner Buro Happold Consulting Engineers as well as Port staff. Throughout the testing week, the illuminations were widely visible to observers around the bay and received extensive press and social media coverage. The Port also captured spectacular still and video photography—from multiple vantage points. In summary, the successful completion of the 7-day bridge lighting testing marks a major and substantive milestone on the path forward towards a vision of illuminating all 29 pillars from the Coronado shoreline to San Diego. Commissioner Merrifield then shared a short video.

## F. President's Report.

*Randa Coniglio, President/CEO, began by thanking Commissioner Merrifield for all of his hard work on the bridge lighting project.*

*Ms. Coniglio then announced that due to the State of California regional stay-at-home order that took effect on December 6th, the Port has taken measures to comply with this order and has temporarily closed all playgrounds for the duration of the order.*

*The Port continues to focus its efforts on the health and safety of our employees. The Executive Leadership Group meets regularly to discuss COVID-related issues to make sure the Port is keeping up with the most recent guidance. Additionally, the Port has re-activated its virtual Emergency Operations Center to monitor operations while the stay-at-home order is in place. The Port continues to ensure that all safety measures and protocols are followed, and that adequate Personal Protective Equipment is provided to all employees to help reduce the risk of contracting the virus at work. Since the last update at the Board meeting in November, there have been nine new cases of COVID-positive employees impacting Harbor Police, Maritime, Dispatch and Administrative departments. Some of the COVID-positive employees have been working remotely and have not been present at Port facilities during the contagious phase of the illness. This brings our total to 22 Port employees, including these recent cases, that have tested positive for COVID-19 since the pandemic began. Ms. Coniglio added that she is pleased to report that to date, none of our employees have been hospitalized and all have, or are expected to, fully recover from their illness.*

*Ms. Coniglio then reported that on November 24th, Pasha Automotive Services joined National City Mayor Sotelo-Solis alongside community leaders from National City to distribute COVID-19 safety kits during the annual free turkey giveaway for National City residents. There were 500 turkeys available to residents and 800 COVID-19 safety kits that included a thermometer, hand sanitizer, wipes, and masks. The Port appreciates this gesture as well as all the other kind gestures made by the many tenants, customers, and operators along our waterfront. Being good neighbors is important.*

## G. District Clerk's Announcements.

*Donna Morales, District Clerk announced that additional agenda related items were received by the Board after the publication of the agenda for the following: Item 8 - File No. 2020-0319, Item 10 - File No. 2020-0370, Item 12 - File No. 2020-0255; and Item 14 - File No. 2020-0242.*

## APPROVAL OF MINUTES

[2020-0419](#)

Approval of minutes for:

November 10, 2020 - CLOSED SESSION

November 10, 2020 - BPC MEETING

November 12, 2020 - CLOSED SESSION

**On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the board approved the minutes. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

**Nays:** 0

Excused: 0

Absent: 0

Abstain: 1 - Valderrama

Recused: 0

## **CONSENT AGENDA**

*Commissioner Castellanos announced that he is recusing himself from Consent Item 7 - File 2020-0403. The item will be voted on separately from the other Consent items.*

*Commissioner Zucchet requested that Items 3A - File Number 2020-0372, and 3B - File Number 2020-0375 be pulled from consent for discussion.*

**On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted the remaining Consent items thereby adopting Ordinance 2985, Ordinance 2986, Resolution 2020-107, Resolution 2020-108, Resolution 2020-109, Resolution 2020-110, Resolution 2020-114, and Resolution 2020-115. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

### **1. [2019-0345](#) ORDINANCES APPROVING:**

A) AGREEMENT FOR AMENDMENT OF EASEMENT AMENDMENT NO. 1 TO ADD APPROXIMATELY 1,676 SQUARE FEET OF AREA TO THE EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR ADDITIONAL WATER UTILITY FACILITIES TO BE LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO AND NECESSARY FOR THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION'S BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT

B) A SIXTY-SIX (66) YEAR EASEMENT FOR UTILITY PURPOSES TO SAN DIEGO GAS & ELECTRIC COMPANY FOR ELECTRICAL AND NATURAL GAS FACILITIES LOCATED IN EMBARCADERO MARINA PARK SOUTH IN THE CITY OF SAN DIEGO AND NECESSARY FOR THE SAN DIEGO SYMPHONY ORCHESTRA ASSOCIATION'S BAYSIDE PERFORMANCE PARK ENHANCEMENT PROJECT

**On a motion by Commissioner Merrifield, seconded by Commissioner**

Castellanos, the Board adopted Ordinance No. 2985 and Ordinance No. 2986 as part of the Consent Agenda.

2. [2020-0371](#) RESOLUTION ACCEPTING AND FILING THE EXTERNAL AUDITOR'S REPORT ON THE AUDIT OF THE DISTRICT'S FINANCIAL STATEMENTS AND SINGLE AUDIT FOR THE YEAR ENDING JUNE 30, 2020

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-107 as part of the Consent Agenda.

4. [2020-0376](#) RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS (DBW) FOR THE FY 2020/2021 SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM IN THE AMOUNT OF \$150,000 AND GRANTING INDEMNITY

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-108 as part of the Consent Agenda.

5. [2020-0377](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SAN DIEGO TO RECEIVE LAW ENFORCEMENT HOMELAND SECURITY GRANT OPERATION STONEGARDEN FUNDS FOR FY2019 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO

On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-109 as part of the Consent Agenda.

6. [2020-0391](#) RESOLUTION AUTHORIZING AGREEMENT UNDER THE DISTRICT'S BLUE ECONOMY INCUBATOR WITH FREDSENSE TECHNOLOGIES CORP. FOR A 2-YEAR PILOT PROJECT TO DEVELOP A PORTABLE FIVE-IN-ONE FIELD-TESTING SENSOR DEVICE FOR REAL-TIME STORMWATER ANALYSIS FOR A TOTAL AMOUNT NOT TO EXCEED \$200,000. FUNDING FOR THE FIRST YEAR OF THE PILOT PROJECT IS SET AT \$60,000 AND BUDGETED FOR IN THE CURRENT FISCAL YEAR (FY21); 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 Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-110 as part of the Consent Agenda.

8. [2020-0319](#) OTAY RIVER ESTUARY RESTORATION PROJECT:
- A) ADOPT RESOLUTION TO CONSIDER AN ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL ACTION STATEMENT IN PLACE OF AN ENVIRONMENTAL IMPACT REPORT, APPROVE A CEQA EQUIVALENCY MEMORANDUM AND ADDENDUM, ADOPT FINDINGS OF FACT, ADOPT MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECT FILING OF THE NOTICE OF DETERMINATION
- B) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO POSEIDON RESOURCES (CHANNELSIDE) LP FOR A PORTION OF THE OTAY RIVER ESTUARY RESTORATION PROJECT CONDITIONED ON POSEIDON RESOURCES (CHANNELSIDE) LP OBTAINING REAL PROPERTY RIGHTS FROM THE DISTRICT FOR THE PROJECT SITE WITHIN THE DISTRICT'S JURISDICTION

**On a motion by Commissioner Merrifield, seconded by Commissioner Castellanos, the Board adopted Resolution 2020-114 and Resolution 2020-115 as part of the Consent Agenda.**

7. [2020-0403](#) LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT
- A) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT," ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND
- B) ADOPT RESOLUTION ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT"; AND
- C) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO LOCKHEED MARTIN CORPORATION FOR THE "LOCKHEED MARTIN HARBOR ISLAND FACILITIES DEMOLITION AND SEDIMENT REMEDIATION PROJECT"

*The following member(s) of the public addressed the Board with agenda-related comments: Uri Feldman, Sunroad Enterprises.*

*Commissioner Malcolm and Commissioner Valderrama provided comments and asked clarifying questions. Christopher Burt, Deputy General Counsel, and John Carter, Deputy General Counsel, responded.*

**On a motion by Commissioner Malcolm, seconded by Commissioner Bonelli, the Board adopted Resolution 2020-111, Resolution 2020-112, and Resolution 2020-113. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 1 - Castellanos

- 3. A)**     [2020-0372](#)     RESOLUTION AUTHORIZING A 40-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF IMPERIAL BEACH FOR LAW ENFORCEMENT, FIRE, EMERGENCY MEDICAL, LIFEGUARD, ANIMAL CONTROL, AND MAINTENANCE SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF IMPERIAL BEACH

**This Consent Item was continued to the December 28, 2020 Board meeting.**

- 3. B)**     [2020-0375](#)     RESOLUTION AUTHORIZING A 40-YEAR MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA FOR POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CHULA VISTA

**This Consent Item was continued to the December 28, 2020 Board meeting.**

*Shaun Sumner, Vice President, Real Estate, Engineering and Facilities, provided a staff presentation regarding Consent Agenda Items 3 A - File No. 2020-0372 and 3 B - File No. 2020-0375 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk).*

*Commissioner Zucchet, Commissioner Merrifield, Chair Moore, Commissioner Malcolm, Commissioner Bonelli, Commissioner Valderrama, and Commissioner Castellanos, provided comments and asked clarifying questions. Shaun Sumner; David Jones, Deputy General Counsel; Chief Mark Stainbrook, Harbor Police; Andy Hall, City Manager, Imperial Beach; and Maria Kachadoorian, City Manager, City of Chula Vista, responded.*

**Commissioner Zucchet made a motion to continue Items 3A and 3B and direct staff to reach out to the remaining member cities and bring back agreements in the spring. Commissioner Merrifield seconded the motion. Commissioners discussed items and did not take a vote.**

**Commissioner Bonelli made a substitute motion, seconded by Commissioner Zucchet to direct staff to reach out to the remaining member cities and bring back the items back in 60 days at the February Board meeting. Commissioner Merrifield accepted the substitute motion as the seconder of the primary motion. The motion failed by the following vote:**

**Yeas:** 3 - Bonelli, Merrifield, and Zucchet

**Nays:** 4 - Castellanos, Malcolm, Moore, and Valderrama

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

Commissioner Malcolm made a motion to continue Consent Items 3A and 3B to the December 28, 2020 Board meeting, and have staff work with the Commissioners in the interim to get the information that they need on these items. Commissioner Valderrama seconded the motion. Commissioner Castellanos made a very friendly amendment to have staff reach out to remaining cities to see what prep work can be done to engage the cities and provide them with the framework of the two agreements that have been presented today. Commissioner Malcolm as primary, and Commissioner Valderrama as seconder, accepted the amendment. The amended motion carried by the following vote:

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

**Nays:** 1 - Zucchet

Excused: 0

Absent: 0

Abstain: 0

Recused: 0

## **ACTION AGENDA**

**9.     [2020-0383](#)     PRESENTATION OF THE SAN DIEGO UNIFIED PORT DISTRICT  
EQUAL OPPORTUNITY PROGRAM ANNUAL REPORT FOR FISCAL  
YEAR 2020**

*Randa Coniglio, President/CEO, provided opening remarks then turned the presentation over to Shirley Hirai, Manager, Equal Opportunity, to provide staff's report and presentation regarding Action Agenda Item 9 - File No. 2020-0383 (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 Castellanos, Commissioner Valderrama, and Chair Moore provided comments.*



10. [2020-0370](#) MONTHLY REPORTING OF FINANCIAL RESULTS AND DIRECTION TO STAFF

*Robert DeAngelis, CFO/Treasurer, addressed the Board with staff's report and presentation regarding Action Agenda Item 10 - File No. 2020-0370 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. DeAngelis then turned the presentation over to Job Nelson, Chief Policy Strategist, to provide an update on stimulus activities at the federal level.*

*The following member(s) of the public addressed the Board with agenda-related comments: Sharon Cloward, President, San Diego Port Tenants Association, with time ceded by Corshelle Worsham.*

*Commissioner Merrifield asked a clarifying question. Thomas A. Russell, General Counsel, responded. Commissioner Zucchet, Commissioner Malcolm, and Commissioner Bonelli, provided comments.*

**Commissioner Merrifield made a motion to add an item to the end of the agenda for discussion regarding rent relief, Commissioner Zucchet seconded the motion.**

**Commissioner Valderrama made a friendly amendment to have staff review information and bring back rent relief item at the special December 28, 2020 meeting. Commissioner Merrifield and Commissioner Zucchet accepted the friendly amendment. The amended motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

11. [2020-0206](#) CHULA VISTA BAYFRONT HARBOR PARK PROJECT:  
A) ADOPT RESOLUTION ADOPTING A THIRD ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION  
B) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT HARBOR PARK PROJECT

*Wileen Manaois, Director, Development Services, addressed the Board with staff's report and presentation regarding Action Agenda Item 11 - File No. 2020-0206 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Ms. Manaois then turned the presentation over to Michelle Chan, Senior Planner, Development Services to provide an overview and vision of the park, stakeholder outreach efforts, development phases, park programming, the third addendum of the Environmental Impact Report (EIR), the Coastal Development Permit*

(CDP), and staff recommendations.

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

Commissioner Bonelli, Commissioner Malcolm, Commissioner Castellanos, and Chair Moore, provided comments.

**On a motion by Chair Moore, seconded by Commissioner Malcolm the Board adopted Item A - RESOLUTION 2020-116 ADOPTING A THIRD ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE "CHULA VISTA BAYFRONT MASTER PLAN PROJECT" AND AUTHORIZING STAFF TO FILE A NOTICE OF DETERMINATION. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

**On a motion by Chair Moore, seconded by Commissioner Malcolm, the Board adopted Item B - RESOLUTION 2020-117 AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO THE DISTRICT FOR THE CHULA VISTA BAYFRONT HARBOR PARK PROJECT. The motion carried by the following vote:**

**Yeas:** 7 - Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 0

**Absent:** 0

**Abstain:** 0

**Recused:** 0

Chair Moore left the meeting at 5:04 pm and turned the meeting to Vice Chair Zucchet.

- 12.**     [2020-0255](#)     MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND LOADING FACILITY PROJECT LOCATED IN WAREHOUSE C AT THE TENTH AVENUE MARINE TERMINAL, SAN DIEGO:  
A)    PRESENTATION AND DIRECTION TO STAFF ON THE MITSUBISHI CEMENT CORPORATION BULK CEMENT WAREHOUSE AND

LOADING FACILITY PROJECT FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND/OR CONDITIONAL AGREEMENT AND/OR CONCEPT APPROVAL AND/OR COASTAL DEVELOPMENT PERMIT; AND/OR

B) ADOPT RESOLUTION CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING FILING OF THE NOTICE OF DETERMINATION; AND

C) ADOPT ORDINANCE GRANTING AMENDMENT NO. 5 TO CONDITIONAL AGREEMENT WITH MITSUBISHI CEMENT CORPORATION TO ADD REQUIREMENTS RELATING TO THE PHASED-IN USE OF ZERO EMISSION TRUCKS THAT SERVICE THE MITSUBISHI CEMENT CORPORATION FACILITY AT THE TENTH AVENUE MARINE TERMINAL AND EXTEND THE TERM OF CONDITIONAL AGREEMENT; AND

D) ADOPT RESOLUTION GRANTING CONCEPT APPROVAL, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION; AND

E) ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT, CONDITIONED ON EXECUTION OF A LEASE OR DEFINITIVE AGREEMENT BETWEEN THE DISTRICT AND MITSUBISHI CEMENT CORPORATION

*Job Nelson, Chief Policy Strategist, addressed the Board with staff's report and presentation regarding Action Agenda Item 12 - File No. 2020-0255 (A copy of the staff report, presentations and any agenda-related materials are on file with the Office of the District Clerk). Mr. Nelson then turned the presentation over to Joel Valenzuela, Director, Maritime, to discuss the presentation outline, provide a general project overview, and review the TAMT Redevelopment Plan and the Mitsubishi project overview. Mr. Valenzuela then turned the presentation over to Peter Eichar, Senior Planner, Planning and Green Port, to address details of the project and the environmental review process. Mr. Eichar then turned the presentation over to Dr. Jasna Tomic, Calstart, to provide a brief overview of the zero emission feasibility study, review the feasibility metrics analyzed, and review the results and recommendations from that effort. Dr. Tomic then turned the presentation back to Mr. Eichar to provide the project summary and staff recommendations.*

*Rebecca Harrington, Senior Deputy General Counsel; Matt McFalls, Air Quality Climate Change Expert, ICF; and Peter Eichar, then addressed the comment letters received from Environmental Health Coalition (EHC), and Coast Law Group that Commissioners received earlier, and provided responses based on technical and legal aspects of the letters.*

*The following member(s) of the public addressed the Board with agenda-related comments: organized presentation for Mitsubishi by Michael Jasberg, Marcia Baverman, and Maya Lopez Grasse, with time ceded by Valerie Martinez, Jeanette Flores, Jeff Green, Ryan Barnett, Austin Marshall, Paulina Martinez, and Isela Ayala; organized*

*presentation for Environmental Health Coalition by Diane Takvorian, David Flores and Danny Serrano, with time ceded by Angelica Estrada, Danielle Lewis, Allie Fen, Julie Corrales, Franco Garcia, Monserrat Hernandez, Lilia Escalante, and Angelica Alicia Estrada;*

*Voicemail comments: Alicia Sanchez; Angelica Ramirez; Anthony Soniga, President, ILWU Local 29; Ashley Tovar; Carla Navar; Elizabeth Wang; Elizabeth; Evangelina Traperio; Francisco Hernandez; Gerald Royce; Engelberto Macias; Jezabel Lara; Jim O'Callahan, South County EDC; Jordan Marks, San Diego County Hispanic Chamber of Commerce; Margarita Garcia; Margarita Moreno; Maria Banuelas; Maria se Villanueva; Marissa Garcia; unknown resident--name not provided; Sandy Naranjo, Mothers Out Front; Arely Santillan; and Silvia Calzada.*

*Live comments: Jack Monger; Sharon Cloward with time ceded by Corchelle Worsham; Anthony White; Ricardo Villa, San Diego County Hispanic Chamber of Commerce; and Patrick McDonough.*

*Vice Chair Zucchet, Commissioner Bonelli, Commissioner Malcolm, Commissioner Castellanos, Commissioner Valderrama, Commissioner Merrifield, provided comments and asked clarifying questions. Job Nelson, Peter Eichar, and Rebecca Harrington responded.*

**Vice Chair Zucchet made a motion, seconded by Commissioner Bonelli, to send this item back to staff and direct them, and Mitsubishi Cement Corporation, to develop clear, measurable, demonstrable, requirements for zero emission vehicles for this project beginning now and not defer to future analysis, or lengthy process, and return this item to the Board. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

**Nays:** 0

**Excused:** 1 - Moore

**Absent:** 0

**Abstain:** 0

**Recused:** 0

*Commissioner Valderrama took the floor and requested to confer with staff to see if the remaining action items can be continued to the December 28, 2020 Special Board Meeting due to the late hour.*

*It was decided that Item 14 - File No. 2020-0242 (Fifth Avenue Landing Project) and Item 13 - File No. 2020-0409 (Proposed January agenda listing) could be continued to the December 28, 2020 Board meeting.*

**13. [2020-0409](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JANUARY 12, 2021 MEETING**

**This item was continued to the December 28, 2020 Board meeting.**

**PUBLIC HEARING AGENDA**

14. [2020-0242](#) FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT
- A) PRESENTATION AND DIRECTION TO STAFF ON THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT FINAL ENVIRONMENTAL IMPACT REPORT AND/OR PORT MASTER PLAN AMENDMENT; AND/OR
- B) ADOPT RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECTING THE FILING OF THE NOTICE OF DETERMINATION FOR THE FIFTH AVENUE LANDING PROJECT AND PORT MASTER PLAN AMENDMENT AND ADOPTING THE PHASE I ONLY MARINA ALTERNATIVE (ALTERNATIVE 4) OF THE FINAL ENVIRONMENTAL IMPACT REPORT AS THE APPROVED PROJECT; AND
- C) CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AS AMENDED TO REFLECT THE PHASE I ONLY MARINA ALTERNATIVE, AND DIRECTING THE FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

**This item was continued to the December 28, 2020 Board meeting.**

15. [2020-0397](#) SAN DIEGO BAY NATIVE OYSTER LIVING SHORELINE PILOT PROJECT: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION APPROVING THE PORT MASTER PLAN AMENDMENT, AND DIRECT FILING WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

*The Board did not require a staff presentation for this item.*

*Vice Chair Zucchet opened the public hearing.*

*The following member(s) of the public addressed the Board with agenda-related comments: Evyan Sloan, California State Coastal Conservancy.*

*Vice Chair Zucchet closed the public hearing.*

*The Board did not provide any comments.*

**On a motion by Commissioner Bonelli, seconded by Commissioner Merrifield, the Board adopted Resolution 2020-118. The motion carried by the following vote:**

**Yeas:** 6 - Bonelli, Castellanos, Malcolm, Merrifield, Valderrama, and Zucchet

Nays: 0

Excused: 1 - Moore

Absent: 0

Abstain: 0

Recused: 0

## **OFFICER'S REPORT**

### **16.     [2020-0417](#)     OFFICER'S REPORT**

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

None to Report

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

None to Report

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

None to Report

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

None to Report

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

None to Report

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

ATTEST:

\_\_\_\_\_  
*Clerk of the San Diego Unified Port District*