



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, April 11, 2023

1:00 PM

Don L. Nay Port Administration Boardroom

The Board of Port Commissioners (Board) hereby provides notice that it will hold a regular meeting of the Board. It is possible that some of the Commissioners may attend the meeting and participate remotely to the same extent as if they were present in accordance with Assembly Bill 2449.

PUBLIC PARTICIPATION:

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.

Items under the Consent Agenda section are considered to be routine, and will be acted upon with one vote. If you wish for an item to be removed from the Consent Agenda for further discussion, please submit your request to the District Clerk prior to the commencement of the meeting.

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 to receive a link to participate in the meeting to provide live comments. *
3. Submit written comments to PublicRecords@portofsandiego.org. Written comments received at least 2 hours prior to the commencement of the meeting will be distributed to the Board and posted online with the meeting materials. Written comments received after the time frame will be included in the agenda-related materials record for the meeting.

* 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.

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.

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 or (619) 686-6200 at least 48 hours prior to the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the San Diego Unified Port District to all or a majority of the Board of Port Commissioners, including those records distributed less than 72 hours prior to that meeting, but received at least 2 hours prior to meeting, can be viewed online at <https://portofsandiego.legistar.com/Calendar.aspx>, or are available for inspection at the Office of the District Clerk, 3165 Pacific Highway, San Diego, California during normal business hours.

For the agenda online and more information about the Commissioners' names and city representation, and future Board meeting dates, please visit our website at www.portofsandiego.org.

As a courtesy to all who attend these public meetings, please turn all cell phones to off or vibrate before entering the Board Room.

A. Roll Call.**B. Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) by a Commissioner, if applicable****C. Pledge of Allegiance.****D. Closed Session Report Out.****E. Public Communications.**

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

F. Board Committee Reports.

- Audit Oversight Committee
- Environmental Advisory Committee
- Maritime Stakeholder Forum

G. Commissioners' Reports.

No actions may be taken on these items.

H. Special Recognition

- Autism Awareness Month
- Harbor Police Dispatcher Appreciation Week

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

[2023-0114](#) Approval of minutes for:

March 14, 2023 - CLOSED SESSION

March 14, 2023 - BPC MEETING

CONSENT AGENDA

1. [2022-0405](#) RESOLUTION SELECTING AND AUTHORIZING A FIVE-YEAR AGREEMENT WITH HUB INTERNATIONAL INSURANCE SERVICES TO PROVIDE HEALTH BENEFIT BROKER AND CONSULTING SERVICES FOR AN AMOUNT NOT TO EXCEED \$161,000 PER YEAR AND A TOTAL OF \$805,000 FOR THE PERIOD OF MAY 1, 2023, THROUGH APRIL 30, 2028.

2. [2022-0406](#) RESOLUTION APPROVING THE 2023 ANNUAL WORK PLAN FOR THE AUDIT OVERSIGHT COMMITTEE PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 776, PORT AUDIT OVERSIGHT COMMITTEE POLICY

3. [2023-0036](#) CHULA VISTA BAYFRONT
 - A. 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; AND

 - B. ORDINANCE GRANTING A FIFTEEN (15) 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

4. [2023-0050](#) RESOLUTION APPROVING CALENDAR YEAR 2023 ANNUAL WORK PLAN FOR THE ENVIRONMENTAL ADVISORY COMMITTEE PURSUANT TO THE BOARD OF PORT COMMISSIONERS POLICY 018, BOARD ADVISORY COMMITTEES

5. [2023-0059](#) ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15302 AND 15303 AND AUTHORIZING AMENDMENT NO. 1 TO TIDELANDS USE AND OCCUPANCY PERMIT WITH NEW CINGULAR WIRELESS PCS, LLC APPROVING ADDITIONAL SMALL CELL SITE(S) FOR POTENTIAL INSTALLATION OF WIRELESS COMMUNICATIONS FACILITIES WITHIN THE PUBLIC RIGHT OF WAY

6. [2023-0113](#) ADOPT AN ORDINANCE GRANTING AMENDMENT NO. 1 TO AN OPTION TO LEASE AGREEMENT WITH SUNROAD HIE HOTEL PARTNERS, L.P. FOR A 66-YEAR LEASE TO DEVELOP AN UP TO 450-ROOM HOTEL ON HARBOR ISLAND TO EXTEND THE TERM OF THE OPTION

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

7. [2023-0072](#) 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 IN SUPPORT OF THE DISTRICT'S APPLICATION TO THE US DEPARTMENT OF TRANSPORTATION'S PORT INFRASTRUCTURE DEVELOPMENT PROGRAM FOR THE INSTALLATION OF SHORE POWER, BERTH REHABILITATION AND LIGHTING UPGRADES AT THE NATIONAL CITY MARINE TERMINAL

8. [2023-0066](#) ORDINANCE RE-APPROVING SAN DIEGO HARBOR POLICE DEPARTMENT MILITARY EQUIPMENT USE POLICY AS REQUIRED BY ASSEMBLY BILL 481

9. [2023-0094](#) RESOLUTIONS PERTAINING TO GRANT APPLICATIONS
 - A) RESOLUTION RESCINDING RESOLUTION NO. 2021-019 REQUESTING \$227,800.00 IN GRANT FUNDS FROM THE FY22 CALIFORNIA STATE PARKS, DIVISION OF BOATING 2021 WATERWAYS PUBLIC BEACH RESTORATION PROGRAM FOR THE KELLOGG BEACH SAND REPLENISHMENT PROJECT
 - B) RESOLUTION RESCINDING RESOLUTION NO. 2022-085 FOR SUBMISSION OF A GRANT APPLICATION TO THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006, PROP 68, FUNDED BY THE OCEAN PROTECTION COUNCIL

Board action is no longer required for this item.

10. [2023-0091](#) 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 CONSENTING TO A SECOND AMENDMENT TO RESTAURANT LEASE BETWEEN PACIFIC GATEWAY, LTD DBA SAN DIEGO MARRIOTT MARQUIS AND MARINA AND OS PACIFIC, LLC DBA ROY'S RESTAURANT, LOCATED AT 333 WEST HARBOR DRIVE, TO EXTEND THE RESTAURANT LEASE TERM BY 10 YEARS WITH TWO 5-YEAR OPTIONS TO EXTEND

11. [2023-0038](#) RESOLUTION AUTHORIZING THE DISTRICT'S HAZARD MITIGATION PLAN IN ACCORDANCE WITH BOARD OF PORT COMMISSIONERS POLICY NO. 777, EMERGENCY MANAGEMENT AND IS AN ANNEX WITHIN THE COUNTY OF SAN DIEGO'S HAZARD MITIGATION PLAN

12. [2023-0096](#) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2022/2023

PUBLIC HEARING AGENDA

13. [2023-0054](#) CONDUCT A 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 SECTIONS 15301 AND 15311 AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT (SDUPD) CODE ARTICLE 8, SECTION 8.09 - OVERSIZED VEHICLE PARKING REGULATIONS ON TIDELANDS AND SECTION 8.11 - VEHICLE PARKING REGULATED

ACTION AGENDA

14. [2022-0310](#) A. ADOPT AN ORDINANCE AMENDING THE DISTRICT FY2022-2023 BUDGET INCREASING THE EQUIPMENT OUTLAY AND OTHER CAPITAL APPROPRIATION ITEM BY \$5,450,970 FOR SHORE POWER INSTALLATION AT NATIONAL CITY MARINE TERMINAL BERTH 24-10 AND 11 PROJECT, SAN DIEGO, CALIFORNIA.
- B. 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 APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2022-03 TO THE RYAN COMPANY INC. IN THE AMOUNT OF \$7,182,700 FOR THE SHORE POWER INSTALLATION AT NATIONAL CITY MARINE TERMINAL BERTHS 24-10 AND 11 PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY 2022 ECONOMIC RECOVERY PROGRAM APPROPRIATION.
15. [2023-0115](#) MUNICIPAL SERVICES AGREEMENTS
- A. RESOLUTION ESTABLISHING A BASELINE RATE AND SCOPE OF SERVICES FOR THE FY23 BASELINE RESET DATE UNDER THE MUNICIPAL SERVICES AGREEMENT WITH THE CITY OF CHULA VISTA AND AUTHORIZING AN AMENDMENT TO SUCH AGREEMENT TO REFLECT THE UPDATED RATE
- B. UPDATE ON MUNICIPAL SERVICES AGREEMENT BASELINE RATE AND SCOPE OF SERVICES NEGOTIATIONS WITH THE CITY OF NATIONAL CITY

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

16. [2023-0070](#) REDEVELOPMENT OF THE MARITIME MUSEUM OF SAN DIEGO:
- A) RECEIVE PRELIMINARY PROJECT REVIEW PRESENTATION FOR PROPOSED REDEVELOPMENT OF THE MARITIME MUSEUM OF SAN DIEGO; AND
- B) ADOPT A RESOLUTION AUTHORIZING STAFF TO COMMENCE ENVIRONMENTAL REVIEW IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE REDEVELOPMENT OF MARITIME MUSEUM OF SAN DIEGO AT EMBARCADERO BY MARITIME MUSEUM ASSOCIATION OF SAN DIEGO (MARITIME MUSEUM); AND
- C) DIRECT STAFF TO OBTAIN FROM THE MARITIME MUSEUM, AT THEIR SOLE EXPENSE, BOTH (1) AN HISTORICAL PERFORMANCE AUDIT OF THE EXISTING LEASE AND (2) AN EVALUATION OF THE MARITIME MUSEUM'S PLAN OF OPERATIONS FOR THE PROPOSED REDEVELOPMENT PROJECT TO BE DELIVERED IN ONE OR MORE REPORTS IN A FORM AND CONTENT SATISFACTORY TO DISTRICT STAFF FROM ONE OR MORE QUALIFIED, INDEPENDENT, THIRD-PARTY CONSULTANTS.
17. [2023-0045](#) 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, RE-DEFINE SPECIAL EVENT SPONSORSHIP CATEGORIES, AND CLARIFY ADMINISTRATIVE PRACTICES
18. [2022-0175](#) SWEETWATER PARK PROJECT, CHULA VISTA BAYFRONT:
- A) (1) RESOLUTION (a) AUTHORIZING TRANSFER WITHIN THE DISTRICT'S FISCAL YEAR (FY) 2022-2023 BUDGET OF REMAINING UNSPENT FUNDS FOR SWEETWATER PARK PROJECT IN CAPITAL IMPROVEMENT PROGRAM APPROPRIATED ITEM TO THE SWEETWATER PARK PROJECT IN THE EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATED ITEM IN ACCORDANCE WITH BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 090; (b) APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2021-12, BASE BID, TO 3-D ENTERPRISES, INC. IN THE AMOUNT OF \$12,543,730 FOR THE

SWEETWATER PARK PROJECT, CHULA VISTA, CALIFORNIA; AND (2) ORDINANCE APPROVING AN AMENDMENT TO THE DISTRICT'S FY 2022-2023, BUDGET EQUIPMENT OUTLAY AND OTHER CAPITAL APPROPRIATION TO INCREASE THE SWEETWATER PARK BUDGET BY \$13,499,708 USING FUNDS FROM THE CHULA VISTA BAYFRONT PHASE 1A INFRASTRUCTURE IMPROVEMENT BUDGET

B) CONDITIONED ON AWARD OF THE \$5.0M OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP) GRANT FROM NATIONAL PARK SERVICE: (1) RESOLUTION (a) AUTHORIZING STAFF TO ENTER INTO A CONDITIONAL AGREEMENT WITH THE CALIFORNIA STATE PARKS FOR THE ORLP GRANT; (b) AWARDED CONTRACT NO. 2021-12 ADDITIVE BID ITEMS 1, 2 AND 3 TO 3-D ENTERPRISES, INC., FOR THE SWEETWATER PARK PROJECT, CHULA VISTA, CALIFORNIA, BY UNILATERAL CHANGE ORDER, IN THE AMOUNT OF \$3,001,000; AND (2) ORDINANCE APPROVING AN AMENDMENT TO THE DISTRICT'S FY 2022-2023 BUDGET EQUIPMENT OUTLAY AND OTHER CAPITAL APPROPRIATION TO INCREASE THE SWEETWATER PARK PROJECT BUDGET BY \$3,301,100 USING FUNDS FROM THE \$5,000,000 ORLP GRANT AND RETURNING \$1,698,900 TO THE CHULA VISTA BAYFRONT PHASE 1A INFRASTRUCTURE IMPROVEMENT BUDGET

19. [2023-0093](#) PRESENTATION AND DIRECTION TO STAFF ON THE FRAMEWORK FOR THE PREPARATION OF A DRAFT TRUST LANDS USE PLAN FOR THE SUBMERGED LANDS AND TIDELANDS GRANTED TO THE DISTRICT THROUGH SENATE BILL 507
20. [2023-0004](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE MAY 9, 2023 MEETING

OFFICER'S REPORT

21. [2023-0101](#) 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:

A) Request for User Fee Waiver Form from Southwestern Yacht Club, for total amount of \$1,000.00

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