



San Diego Unified Port District

3165 Pacific Hwy.
San Diego, CA 92101

Meeting Agenda Board of Port Commissioners

Tuesday, May 9, 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.

None.

G. Commissioners' Reports.

No actions may be taken on these items.

H. Special Recognition.

- Maritime Month
- Asian American, Native Hawaiian, and Pacific Islander Heritage Month
- Welcome New Sea Grant Fellow
- San Diego Harbor Police - Recognition of Police Week, and Officers Ferrer and Della Valle

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

[2023-0136](#) Approval of minutes for:

April 11, 2023 - CLOSED SESSION
April 11, 2023 - BPC MEETING
April 25, 2023 - BOARD RETREAT
April 25, 2023 - BUDGET WORKSHOP

CONSENT AGENDA

1. [2023-0124](#) RESOLUTION 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 APPROVING PLANS AND SPECIFICATIONS AND AWARDDING CONTRACT NO. 2021-13 TO (name of the contractor) IN

THE AMOUNT OF \$ (recommended award amount) FOR THE ELEVATOR CAR IMPROVEMENTS AT SAN DIEGO BAYFRONT PARKING GARAGE PROJECT, AS AUTHORIZED BY THE BOARD IN THE FY 2023 MAJOR MAINTENANCE PROGRAM

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

2. [2023-0065](#) RESOLUTION PROCLAIMING SUPPORT OF NATIONAL PUBLIC WORKS WEEK, MAY 21-27, 2023
3. [2023-0079](#) 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
4. [2023-0080](#) CONGRESSIONALLY DIRECTED FUNDING:
 - A. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF A COMMUNITY PROJECT FUNDING GRANT IN THE AMOUNT OF \$2,000,000 FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FREEDOM PARK AT NAVY PIER PROJECT AND EXECUTION OF THE ACCOMPANYING GRANT AGREEMENT, AND
 - B. ADOPT A RESOLUTION AUTHORIZING ACCEPTANCE OF A COMMUNITY PROJECT FUNDING GRANT IN THE AMOUNT OF \$3,000,000 FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE BEACH AND BOAT LAUNCH AT THE HARBOR PARK PROJECT AND EXECUTION OF THE ACCOMPANYING GRANT AGREEMENT.
5. [2023-0081](#) PRIORITY LEGISLATIVE BUDGET PROJECT FUNDS: ADOPT A RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15306 AND 15308, AND AUTHORIZING ACCEPTANCE OF PRIORITY LEGISLATIVE BUDGET PROJECT FUNDS IN THE AMOUNT OF \$1,400,000 FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE ZUNIGA SHOAL PROJECT AND GRANTING AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE THE FUNDS TRANSFER AGREEMENT WHEN FINALIZED AFTER ACCEPTANCE.
6. [2023-0089](#) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO CEQA GUIDELINES 15301, 15304, 15306,

15307, AND 15308, AND AUTHORIZING AGREEMENTS WITH WSP USA ENVIRONMENT AND INFRASTRUCTURE, INC., WESTON SOLUTIONS, INC, AND DUDEK FOR AS-NEEDED ENVIRONMENTAL ANALYTICAL SERVICES FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$3,000,000 FOR A PERIOD OF 5 YEARS. FUNDS FOR FY 2023 HAVE BEEN BUDGETED IN THE DISTRICT'S NON-PERSONNEL EXPENSE 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

7. [2023-0090](#) RESOLUTION AUTHORIZING AN AGREEMENT WITH NATURESCAPE SERVICES, INC. FOR LANDSCAPE MAINTENANCE SERVICES FROM JULY 1, 2023, THROUGH JUNE 30, 2028, FOR AN AMOUNT NOT TO EXCEED \$1,250,000 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
8. [2023-0098](#) RESOLUTION AUTHORIZING A PURCHASE AGREEMENT NOT TO EXCEED \$1.43M WITH METALCRAFT MARINE INC. FOR THE PURCHASE OF A NEW MARINE FIREFIGHTING VESSEL FOR THE HARBOR POLICE DEPARTMENT UTILIZING \$875,000 IN PORT SECURITY GRANT PROGRAM (PSGP) FUNDING
9. [2023-0117](#) RESOLUTION FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15306, AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND THE CITY OF SAN DIEGO, CITY OF OCEANSIDE, AND COUNTY OF ORANGE FROM JULY 1, 2023, THROUGH JUNE 30, 2028, TO WORK COLLABORATIVELY ON A REGIONAL HARBOR MONITORING PROGRAM TO EVALUATE THE STATUS AND TRENDS OF WATERS, SEDIMENT, AND AQUATIC LIFE IN THE REGIONS HARBORS PURSUANT TO §13225 OF THE CALIFORNIA WATER CODE. 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
10. [2023-0130](#) CONTINENTAL MARITIME OF SAN DIEGO, LLC LOCATED AT 1995 BAYFRONT STREET, SAN DIEGO:
 - A. RESOLUTION CONSENTING TO THE TRANSFER OF OWNERSHIP INTERESTS IN CONTINENTAL MARITIME OF SAN DIEGO, LLC, TO LSF 11TRINITY BIDCO, INC; AND

B. ORDINANCE GRANTING A SECOND AMENDED AND RESTATED LEASE TO CONTINENTAL MARITIME OF SAN DIEGO, LLC, TO UPDATE LEASE TO CURRENT TERMS.

PUBLIC HEARING AGENDA

11. [2023-0086](#) AMENDMENT TO SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 8, SECTION 8.21 TO ESTABLISH NEW MARKET-BASED PARKING RATE RANGES FOR TIDELANDS PUBLIC PARKING LOTS AND GARAGES: CONVENTION CENTER PUBLIC PARKING GARAGE, BAYFRONT PUBLIC PARKING GARAGE, B STREET PIER PUBLIC PARKING LOT, AND NAVY PIER PUBLIC PARKING LOT
- A) CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INCLUDING, BUT NOT LIMITED TO, SECTIONS 15273 AND 15301 OF THE CEQA GUIDELINES AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE, ARTICLE 8, SECTION 8.21 - PARKING RATES AT TIDELANDS PUBLIC PARKING LOTS AND GARAGES
- B) ADOPT RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO NON-APPEALABLE COASTAL DEVELOPMENT PERMIT 2016-01 FOR THE "NEW MARKET-BASED PARKING RATES AT TIDELANDS PUBLIC PARKING LOT AND GARAGES" TO ESTABLISH NEW MARKET-BASED PARKING RATE RANGES AT CONVENTION CENTER PUBLIC PARKING GARAGE, BAYFRONT PUBLIC PARKING GARAGE AND B STREET PIER PUBLIC PARKING LOT
12. [2023-0088](#) 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 8.07 - REGULATION OF MOTORIZED MOBILITY DEVICES AND PEDICABS ON DISTRICT TIDELANDS
13. [2023-0099](#) AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, AND UPDATED FORMAT AND LANGUAGE
- A. RESOLUTION FINDING THE AMENDMENT TO THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1-G, RATES AND CHARGES, TO INCREASE RATES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE EXEMPT FROM THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 15273 OF THE CEQA GUIDELINES

B. CONDUCT A PUBLIC HEARING AND ADOPT AN ORDINANCE AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT TARIFF NO. 1 -G, RATES AND CHARGES, ADD NEW RATES, AND UPDATE TARIFF FORMAT AND LANGUAGE

ACTION AGENDA

14. [2023-0053](#) 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
15. [2023-0100](#) ORDINANCE AMENDING SAN DIEGO UNIFIED PORT DISTRICT PORT CODE SECTION 4.38 - REGULATING VESSELS IN THE A-1, A-5, AND A-9 ANCHORAGES TO INCLUDE SHELTER ISLAND GUEST DOCK, INSURANCE REQUIREMENTS, AND OTHER AMENDMENTS UPDATING LANGUAGE TO CODIFY AND REFLECT BEST MANAGEMENT PRACTICES
16. [2023-0125](#) RESOLUTION ADOPTING THE FY 2024 PRELIMINARY BUDGET AND SETTING THE DATE FOR PUBLIC HEARING ON THE BUDGET AS JUNE 13, 2023
17. [2023-0132](#) DISCUSSION OF USE OF ANTICIPATED FY 2023 BUDGET SURPLUS AND POTENTIAL RESOLUTION AMENDING FY 2024 PRELIMINARY BUDGET.
18. [2023-0112](#) PRESENTATION UPDATES ON PORT ELECTRIFICATION PROJECTS
19. [2023-0005](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JUNE 13, 2023 MEETING

OFFICER'S REPORT**20. [2023-0127](#) OFFICER'S REPORT**

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

A) Change Order No. 01 to Contract No. 2022-07 with Loghmani & Associates Design Group, Inc. dba L.A. Design Group - WLA - 43 Calendar Day Time Extension thru 05-26-2023

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:

A) Amendment No. 2 to Lease (#71078) with The ATM Guy, Inc. - Amends Section 4.1 Regarding Minimum Monthly Rent, & Extends Term thru 03-31-2025