



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, June 15, 2021

1:00 PM

Virtual Meeting

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**\*\*\*\*Pursuant to Governor Newsom's Executive Order N-29-20 pertaining to the convening of public meetings in response to the COVID-19 pandemic, the BOARD OF PORT COMMISSIONERS (BOARD) hereby provides notice that it will hold a regular meeting of the BOARD. The COMMISSIONERS will attend the meeting and participate remotely to the same extent as if they were present. Due to Governor Newsom's Executive Order, the Board Chambers will remain closed to the public.**

**MEMBERS OF THE PUBLIC MAY VIEW THIS MEETING VIA LIVESTREAM at:  
<https://portofsandiego.legistar.com/Calendar.aspx>**

**REMOTE PUBLIC COMMENT IS AVAILABLE FOR THIS MEETING DOING ONE OF THE FOLLOWING NO LATER THAN 11:00 AM ON TUESDAY, JUNE 15, 2021:**

- 1. Call 619-736-2155 and leave a brief voicemail message (no longer than 3 minutes) that will be played during the meeting.**
- 2. Email a request to provide live comment to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) to receive a link to participate in the meeting to provide live comments. \***
- 3. Submit written comments to [PublicRecords@portofsandiego.org](mailto:PublicRecords@portofsandiego.org) which will be forwarded to the Board and included in the agenda-related materials record for the meeting.**

**NOTA ESPECIAL PARA PARTICIPANTES DE COMENTARIOS PÚBLICOS: Servicios de interpretación estarán disponibles durante la reunión para traducir comentarios públicos del español al inglés.**

**\* 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.**

**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](mailto:publicrecords@portofsandiego.org) or (619) 686-6206 at least 48 hours prior to the meeting.**

**A. Roll Call.****B. Closed Session Report Out.****C. Public Communications.**

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

**D. Board Committee Reports.**

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

**E. Commissioners' Reports.**

*No actions may be taken on these items.*

**F. President's Report.****G. District Clerk's Announcements.****APPROVAL OF MINUTES**

[2021-0250](#) Approval of minutes for:

May 11, 2021 - CLOSED SESSION

May 11, 2021 - BPC MEETING

**CONSENT AGENDA**

1. [2021-0098](#) RESOLUTION AUTHORIZING AMENDMENT NO. 04 TO AGREEMENT NO. 148-2019MA WITH APEX COMPANIES, LLC FOR CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$220,000.00 INCREASING THE AGGREGATE TOTAL OF THE AGREEMENT FROM \$759,922.80 TO \$979,922.80. FUNDS ARE BUDGETED IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM FOR THE SOUTH CAMPUS PAVEMENT AND FOUNDATION DEMOLITION AND THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECTS. THIS ACTION DOES NOT INCREASE THE PROJECT BUDGETS.
2. [2021-0240](#) RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AWARDED CONTRACT NO. 2020-12 TO <Name of Contractor> IN THE AMOUNT OF \$XXXX FOR THE CONCRETE REPAIRS AT SAN DIEGO HILTON BAYFRONT GARAGE DECK 7 PROJECT, SAN DIEGO, CALIFORNIA AS AUTHORIZED BY THE BOARD IN THE FY2021 MAJOR

## MAINTENANCE PROGRAM

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

3. [2021-0190](#) RESOLUTION AUTHORIZING AMENDMENT NO. 9 TO AGREEMENT WITH NMS MANAGEMENT, INC. FOR JANITORIAL SERVICES, INCREASING THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$290,000 FOR A NEW MAXIMUM AMOUNT OF \$3,651,000; EXTENDING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL FIVE (5) MONTHS ENDING NOVEMBER 30, 2021; AND REMOVING PUBLIC COMFORT STATIONS AND DRINKING FOUNTAIN JANITORIAL SERVICES FROM THE AGREEMENT EFFECTIVE SEPTEMBER 30, 2021. THIS SERVICE HAS BEEN DEEMED AN OPERATIONAL NECESSITY. THE AGREEMENT ALLOWS FOR EARLY TERMINATION BY THE EXECUTIVE DIRECTOR. ALL JANITORIAL SERVICES REQUIREMENTS FOR FISCAL YEAR 2022 ARE BUDGETED AND WILL BE EXPENDED AGAINST DEPARTMENT NON-PERSONNEL EXPENSE (NPE) BUDGETS.
  
4. [2021-0211](#) RESOLUTION SELECTING AND AUTHORIZING AGREEMENTS TO PROVIDE AS-NEEDED REAL ESTATE CONSULTING SERVICES WITH THE SERVICE PROVIDERS LISTED BELOW AND AS SPECIFIED IN EACH INDIVIDUAL AGREEMENT FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000 FOR A PERIOD OF FIVE YEARS FROM JULY 1, 2021 TO JUNE 30, 2026. THESE AS-NEEDED SERVICES WILL SUPPORT DISTRICT OPERATIONAL OR STRATEGIC PRIORITIES. EXPENDITURES FOR THE FIRST YEAR ARE BUDGETED IN FISCAL YEAR (FY) 2022. FUNDS REQUIRED FOR FUTURE YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.
  - A) CBRE, INC.
  - B) KEYSER MARSTON ASSOCIATES, INC.
  - C) PRO FORMA ADVISORS, LLC.
  - D) JONES LANG LASALLE AMERICAS, INC.
  - E) AECOM TECHNICAL SERVICES, INC.
  - F) ERNST & YOUNG, LLP.
  - G) TS WORLDWIDE, LLC. DBA HVS
  - H) LONDON MOEDER ADVISORS
  - I) MAURICE ROBINSON & ASSOCIATES LLC.
  - J) RSG, INC.
  - K) BAE URBAN ECONOMICS, INC.
  - L) CIVITAS, INC.
  - M) KPMG, LLP.

- N) HR&A ADVISORS, INC.
- O) THE DORE GROUP
- P) ZENITH CONSULTANTS
- Q) PARAGON PARTNERS, LTD.
- R) OVERLAND, PACIFIC AND CUTLER, LLC.

- 5. [2021-0213](#) RESOLUTION APPROVING THE CALENDAR YEAR 2021 WORK PLAN FOR THE ACCESSIBILITY ADVISORY COMMITTEE PURSUANT TO BPC POLICY NO. 018: BOARD ADVISORY COMMITTEES
  
- 6. [2021-0228](#) RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND CANADA'S OCEAN SUPERCLUSTER TO ADVANCE A COLLABORATIVE PARTNERSHIP TO COOPERATIVELY EXPLORE OPPORTUNITIES FOR PROGRAM ALIGNMENT AND INVESTMENT TO SUPPORT THE DEVELOPMENT AND SCALING OF INNOVATIVE SOLUTIONS THAT PROMOTE THE BLUE ECONOMY AT PORTS
  
- 7. [2021-0233](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT FOR LEGAL SERVICES WITH ORRICK, HERRINGTON & SUTCLIFFE LLP INCREASING THE MAXIMUM AMOUNT BY \$715,000 FROM \$1,255,850 to \$1,970,850; FY 2021 EXPENDITURES ARE BUDGETED; FY 2022 EXPENDITURES ARE INCLUDED IN THE PROPOSED FY 2022 FINAL BUDGET.

### **PUBLIC HEARING AGENDA**

- 8.1 [2021-0126](#)
  - A. CONDUCT PUBLIC HEARING AND ADOPT AN ORDINANCE ADOPTING THE FISCAL YEAR 2022 FINAL BUDGET
  
  - B. RESOLUTION WAIVING BPC POLICY NO. 730 - PORT ENVIRONMENTAL ADVISORY COMMITTEE POLICY AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$662K TO THE ENVIRONMENTAL FUND AS REFLECTED IN THE FY 2022 BUDGET
  
  - C. RESOLUTION WAIVING BPC POLICY NO. 773 - MARITIME INDUSTRIAL IMPACT FUND AND NOT DEPOSIT THE FY 2022 ANNUAL SET ASIDE OF APPROXIMATELY \$159K TO THE MARITIME INDUSTRIAL IMPACT FUND (MIIF) AS REFLECTED IN THE FY 2022 BUDGET
  
  - D. RESOLUTION WAIVING BPC POLICY NO. 117 - OPERATING RESERVE POLICY, TO ALLOW THE USE OF OPERATING RESERVE TO PARTIALLY FUND THE FY 2022 BUDGET, HOWEVER THE

OPERATING RESERVE BALANCE SHALL IN NO EVENT GO BELOW THE MINIMUM REQUIRED \$20M.

- 8.2 [2021-0036](#) ORDINANCE AMENDING SALARY ORDINANCE NO. 2980 ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT" AND RESOLUTION ESTABLISHING THE SAN DIEGO UNIFIED PORT DISTRICT (DISTRICT) DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR 2021/2022

### **ACTION AGENDA**

9. [2021-0248](#) CHULA VISTA BAYFRONT
- ORDINANCE AUTHORIZING:
- (A) PROJECT IMPLEMENTATION AGREEMENT AMONG THE DISTRICT, THE CITY OF CHULA VISTA (CITY), THE CHULA VISTA BAYFRONT FACILITIES FINANCING AUTHORITY (AUTHORITY), RIDA CHULA VISTA, LLC (RIDA), AND THE BAYFRONT PROJECT SPECIAL TAX FINANCING DISTRICT (SPECIAL TAX DISTRICT) FOR THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE (PHASE 1A IMPROVEMENTS) AND A CONVENTION CENTER
- (B) SITE LEASE BETWEEN THE DISTRICT AND THE AUTHORITY (SITE LEASE) FOR THE LAND NECESSARY TO CONSTRUCT A CONVENTION CENTER LOCATED IN THE CITY OF CHULA VISTA
- (C) AMENDMENT TO THE FISCAL YEAR (FY) 2022 BUDGET INCREASING THE FY 2022 CAPITAL IMPROVEMENT PROGRAM (CIP) APPROPRIATION BY \$2,875,000 TO BE FUNDED FROM THE PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS
- RESOLUTION AUTHORIZING:
- (D) BOND PURCHASE AGREEMENT BETWEEN JP MORGAN SECURITIES LLC, THE AUTHORITY, THE DISTRICT, THE SPECIAL DISTRICT, AND THE CITY FOR THE PURCHASE AND SALE OF TAXABLE AND TAX-EXEMPT BONDS ISSUED BY THE AUTHORITY
- (E) AMENDMENT NO. 1 TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE DISTRICT AND CITY
- (F) MUTUAL LEASE AND SUBLEASE ENFORCEMENT AGREEMENT BETWEEN THE DISTRICT AND CITY
- (G) AMENDMENT INCREASING THE FY 2019-2023 CAPITAL

IMPROVEMENT PROGRAM TO ADD THE SWEETWATER PARK PROJECT AND INITIAL FUNDING OF \$2,175,000 AND INCREASE CAPITAL LABOR BY \$700,000 TO BE FUNDED FROM RESTRICTED RESERVES FROM THE PACIFICA LAND EXCHANGE FEE

(H) CONTRIBUTE \$125,000 TO THE PUBLIC ART FUND FOR PUBLIC ART IN THE SWEETWATER PARK PROJECT PER BPC POLICY 609 TO BE FUNDED FROM THE PACIFICA LAND EXCHANGE FEE RESTRICTED FUNDS

(I) AGREEMENT NO. 56-2021RH WITH KTUA FOR SWEETWATER PARK DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED \$1,033,694.22 BUDGET FOR THIS AGREEMENT IS INCLUDED IN THE INITIAL FUNDING OF \$2,175,000 IN THE SWEETWATER PARK PROJECT IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM

10. [2021-0208](#) INFORMATIONAL PRESENTATION FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) STAFF ON THE SAN DIEGO - LOSSAN REGIONAL RAIL CORRIDOR IMPROVEMENTS STUDY UPDATE

11. [2021-0236](#) INFORMATIONAL UPDATE ON THE STATUS OF THE PORT ELECTRIFICATION IMPLEMENTATION STRATEGY AND DIRECTION TO STAFF

12. [2021-0235](#) MUNICIPAL SERVICES AGREEMENTS:

(A) RESOLUTION AUTHORIZING A 9-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2030 WITH THE CITY OF NATIONAL CITY FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF NATIONAL CITY, WITH BASELINE RESETS IN 2022 AND 2025

(B) RESOLUTION AUTHORIZING A 5-YEAR MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2026 WITH THE CITY OF SAN DIEGO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF SAN DIEGO, WITH BASELINE RESETS IN 2023 AND 2025

(C) RESOLUTION AUTHORIZING A 1-YEAR EXTENSION TO THE EXISTING MUNICIPAL SERVICES AGREEMENT THROUGH JUNE 30, 2022 WITH THE CITY OF CORONADO FOR POLICE, FIRE, AND EMERGENCY SERVICES ON NON-AD VALOREM DISTRICT PROPERTY LOCATED IN THE CITY OF CORONADO

13. [2021-0128](#) SHELTER ISLAND YACHT BASIN DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:

- A. INFORMATIONAL UPDATE ON THE STATUS OF THE PROGRAM, INCLUDING WATER QUALITY RESULTS, LOAD REDUCTION EFFORTS AND COORDINATION WITH THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD ON TMDL IMPLEMENTATION ACTIONS; AND
- B. DIRECTION TO STAFF ON INITIATING AN IN-WATER HULL CLEANING PILOT STUDY THAT WOULD REQUIRE A TEMPORARY PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND
- C. DIRECTION TO STAFF ON DETERMINING A VOLUNTARY OR MANDATED IMPLEMENTATION APPROACH FOR AN IN-WATER HULL CLEANING PILOT STUDY.

- 14. [2021-0206](#) RESOLUTION APPROVING THE AUDIT PLAN FOR FY21/22 PURSUANT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 035 - POWERS AND FUNCTIONS OF THE PORT AUDITOR
- 15. [2021-0189](#) PRESENTATION FROM THE PORT AUDITOR ON BEST PRACTICES RELATED TO EXTERNAL AUDIT AND PUBLIC AUDIT OVERSIGHT COMMITTEE MEMBERS WITH DIRECTION TO STAFF
- 16. [2021-0038](#) INFORMATIONAL PRESENTATION ON THE RESEARCH AND DEVELOPMENT DISTRICT (RADD) PROJECT ON THE NAVY BROADWAY COMPLEX SITE, ADJACENT TO DISTRICT TIDELANDS, IN THE CITY OF SAN DIEGO
- 17. [2021-0155](#) REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE JULY 13, 2021 MEETING

### **OFFICER'S REPORT**

- 18. [2021-0245](#) OFFICER'S REPORT  
  
MONTHLY NOTIFICATION OF CHANGE ORDERS PURSUANT TO BPC POLICY NO. 110:  
  
A) Change Order No. 1 to Contract No. 2020-24 with Sun Pro Tinting, Inc. / Changes to Material Used  
  
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 San Diego Fishermen's Working Group for Right of Entry to Conduct Leasing Due Diligence for

Vacant Space Located in the Chesapeake Fishing Building, for total amount \$1,208.00

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

A) Rent Review Administrative Approval Letter with Mrs. Kelly's, Inc. dba Point Loma Seafoods for Rental Period Beginning 02/01/21

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

A) Encumbrance Review and Consent for Lease with SSD Holdings, LLC for SSD Grand Avenue Partners, LLC Loan in the Amount up to \$100,000.00

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

A) Amended, Restated and Combined Lease with Cahuenga III, LLC, a Delaware Liability Company dba Kona Kai Resort and Marina for Operation of Hotel and Marina, Dock & Dine, and Other Related Purposes thru 04-30-54

B) Amendment No. 4 to Lease (#70907) with Seaport Entertainment, LLC / Deletes and Replaces Section 4, Section 4.2.4, Section 8.1.1

C) Amendment No. 1 to Lease (#70899) with Traveler's Convenience, Inc. dba Seaport Market - Amends Section 1 Regarding Premises, Paragraph 4.3 About Tenant's Proportionate Share of Operating Expenses, and the Site Plan in Exhibit B