



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, September 14, 2021

1:00 PM

Don L. Nay Port Administration Boardroom

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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, SEPTEMBER 14, 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.**

**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.**

**\* 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*

**E. Commissioners' Reports.**

*No actions may be taken on these items.*

**F. Special Recognition.**

*Green Port Year in Review and Awards  
American Public Works Association (APWA) Reaccreditation*

**G. President's Report.**

**H. District Clerk's Announcements.**

**APPROVAL OF MINUTES**

[2021-0339](#) Approval of minutes for:

July 23, 2021 - BOARD RETREAT  
August 10, 2021 - CLOSED SESSION  
August 10, 2021 - BPC MEETING  
August 23, 2021 - BPC STIMULUS WORKSHOP

**CONSENT AGENDA**

1. [2021-0035](#) UPDATE BPC POLICY NO. 359 EQUAL OPPORTUNITY CONTRACTING AND BPC POLICY NO. 361 EQUAL EMPLOYMENT OPPORTUNITY AND NONDISCRIMINATION TO REFLECT A CHANGE IN THE NAME OF THE EQUAL OPPORTUNITY FUNCTION TO REFLECT INDUSTRY PRACTICE

2. [2021-0330](#) 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 FY2020 AND GRANT INDEMNITY TO THE COUNTY OF SAN DIEGO

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

3. [2021-0283](#) SCHEDULE OF COMPENSATION  
A) ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR ALL OFFICERS AND EMPLOYEES OF THE SAN DIEGO UNIFIED PORT DISTRICT  
B) RESOLUTION AMENDING THE SAN DIEGO UNIFIED PORT DISTRICT DIRECTORY OF CLASSIFICATION SPECIFICATIONS FOR FISCAL YEAR (FY) 2022

4. [2021-0289](#) RESOLUTION APPOINTING TRACI BECERRA AS CHAIRPERSON OF THE PERSONNEL ADVISORY BOARD FROM SEPTEMBER 14, 2021 TO SEPTEMBER 1, 2022

5. [2021-0299](#) RESOLUTION AUTHORIZING THE REQUIRED ANNUAL ADOPTION OF BPC POLICY NO. 115, GUIDELINES FOR PRUDENT INVESTMENTS INCLUDING UPDATES RELATED TO CERTAIN AUTHORIZED AND PROHIBITED INVESTMENTS

6. [2021-0338](#) SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES LOCATED AT 880 HARBOR ISLAND DRIVE, IN THE CITY OF SAN DIEGO, WHICH LEASEHOLD INCLUDES THE COASTERRA, C-LEVEL, AND ISLAND PRIME RESTAURANTS:

A. RESOLUTION CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE LEASEHOLD INTEREST FROM SUNROAD HARBOR ISLAND, INC., DBA SUNROAD ENTERPRISES TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD; AND,

B. ORDINANCE GRANTING AN AMENDED AND RESTATED LEASE TO SHM SUNROAD, LLC, DBA SAFE HARBOR SUNROAD TO UPDATE LEASE TO CURRENT TERMS; AND,

C. RESOLUTION CONSENTING TO A SUBLEASE BETWEEN SUNROAD HARBOR ISLAND, INC., AND KIRSCHCOHN, INC., FOR A TWENTY FIVE-YEAR TERM WITH A NINE-YEAR AND 11-MONTH OPTION TO EXTEND.

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

Board meeting.

7. [2021-0314](#) RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE MEMORANDA OF UNDERSTANDING BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CALIFORNIA TEAMSTERS PUBLIC, PROFESSIONAL AND MEDICAL EMPLOYEES UNION, LOCAL 911 (SERVICE, MAINTENANCE, OPERATIONS AND CRAFTS UNIT; NON-SWORN SAFETY PERSONNEL UNIT; SUPERVISORY UNIT)
8. [2021-0320](#) RESOLUTION PROCLAIMING SUPPORT FOR CALIFORNIA CLEAN AIR DAY, A PROJECT OF THE COALITION FOR CLEAN AIR, ON OCTOBER 6, 2021
9. [2021-0322](#) RESOLUTION BY A 4/5 VOTE RATIFYING THE EMERGENCY ACTION APPROVED BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY
10. [2021-0323](#) ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$80,000 WITH MUTUAL INDEMNIFICATION BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND PREMISE HEALTH EMPLOYER SOLUTIONS, LLC ON BEHALF OF EHEALTHSCREENING TO PROVIDE ON-SITE COVID-19 TESTING
11. [2021-0297](#) RESOLUTION AUTHORIZING THE GENERAL COUNSEL TO EXECUTE AMENDMENT NO. 1 TO AGREEMENT FOR LEGAL SERVICES WITH ALLEN, MATKINS, LECK, GAMBLE, MALLORY & NATSIS LLP INCREASING THE NOT-TO-EXCEED AMOUNT BY \$860,000 FROM \$175,000 TO \$1,035,000; FY 2022 EXPENDITURES ARE BUDGETED, ALL FUNDS FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET.

## **PUBLIC HEARING AGENDA**

12. [2020-0102](#) CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING THE 2021 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) SPECIAL EDITION

**ACTION AGENDA**

13. [2021-0132](#) SHELTER ISLAND YACHT BASIN (SIYB) DISSOLVED COPPER TOTAL MAXIMUM DAILY LOAD:  
A. INFORMATIONAL UPDATE ON A PROPOSED PAUSE OF IN-WATER HULL CLEANING OF VESSELS WITH COPPER-BASED ANTIFOULING PAINT IN SIYB FOR AN EIGHT-WEEK PERIOD STARTING APPROXIMATELY MID-DECEMBER 2021 AND CONTINUING THROUGH MID-FEBRUARY 2022; AND  
B. DIRECTION TO STAFF ON A DRAFT AMENDMENT TO SECTION 4.14 OF THE DISTRICT CODE, REGULATION OF IN-WATER HULL CLEANING, TO IMPLEMENT THE TEMPORARY PAUSE
14. [2021-0255](#) PRESENTATION ON THE DISTRICT'S DEFINED BENEFIT PLAN BY THE RETIREMENT PLAN ADMINISTRATOR
15. [2021-0321](#) A. ADOPT ORDINANCE AMENDING THE FY 2022 BUDGET INCREASING:  
1. NON-PERSONNEL APPROPRIATION BY \$2,568,800  
2. EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION BY \$547,000, AND  
3. TECHNOLOGY CAPITAL PROJECTS APPROPRIATION BY \$52,000  
  
THE ABOVE INCREASES WILL BE FUNDED FROM THE FOLLOWING RESULTING IN NO IMPACT TO THE DEFICIT:  
1. \$2,052,000 UNBUDGETED REVENUE RECEIVED AS A PARTICIPATION FEE FOR A TENANT ASSET SALE  
2. \$730,000 FROM PARKING REVENUE, LOW CARBON FUEL STANDARD (LCFS) CREDITS, NEVP MAINTENANCE FUND, AND AN INSURANCE RECOVERY  
3. \$385,800 IN SAVINGS FROM VACANCIES IN THE PERSONNEL APPROPRIATION  
  
B. ADOPT RESOLUTION APPROVING A FY 2022 BUDGET TRANSFER OF \$385,800 FROM PERSONNEL EXPENSE APPROPRIATION TO THE NON-PERSONNEL EXPENSE APPROPRIATION TO FUND THE BALANCE OF THE BUDGET AMENDMENTS TO MAINTAIN THE CURRENT BUDGETED DEFICIT PURSUANT TO BPC POLICY NO. 90
16. [2021-0300](#) INFORMATIONAL UPDATE ON DIVERSITY, EQUITY, AND INCLUSION WORK AND INVITING FEEDBACK AND DIRECTION TO STAFF
17. [2021-0309](#) INFORMATIONAL UPDATE ON FUNDING ANALYSIS, CONCEPTS, AND POTENTIAL DISTRICT FEES RELATED TO ZERO EMISSIONS INITIATIVES AND DIRECTION TO STAFF.

**18.**     [2021-0290](#)     SEAPORT VILLAGE:

A) ORDINANCE GRANTING A LEASE TO HAMPTONS NEWPORT BEACH, LLC DBA SHOREBIRD FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 885 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$227,500 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

B) ORDINANCE GRANTING A LEASE TO SD 4 FISH LLC DBA GLADSTONE'S FOR A FULL-SERVICE RESTAURANT AND BAR LOCATED AT 861 W. HARBOR DRIVE IN SAN DIEGO FOR A 10-YEAR TERM PLUS ONE 5-YEAR OPTION TO EXTEND (FOR A TOTAL POTENTIAL TERM OF 15 YEARS) WITH \$1,250,000 IN TENANT IMPROVEMENT ALLOWANCE TO BE BUDGETED IN THE FISCAL YEAR (FY) 2023 EQUIPMENT OUTLAY AND OTHER CAPITAL PROJECTS APPROPRIATION FOR SEAPORT VILLAGE TENANT IMPROVEMENTS

C) RESOLUTION AUTHORIZING AMENDMENT NO. 4 TO THE AGREEMENT WITH R.I. PROPERTIES, INC. DBA RETAIL INSITE (RETAIL INSITE) FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR SEAPORT VILLAGE TO INCREASE THE MAXIMUM AMOUNT PAYABLE UNDER THE AGREEMENT BY \$450,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$1,050,000 AND WAIVING BOARD OF PORT COMMISSIONERS POLICY NO. 114 - PAYMENT OF COMMISSIONS FOR THE LEASING OF TIDELANDS. 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

**19.**     [2021-0305](#)     REVIEW AND CONSIDERATION OF DRAFT PROPOSED BOARD AGENDA FOR THE OCTOBER 12, 2021 MEETING**OFFICER'S REPORT****20.**     [2021-0332](#)     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 Christine Jones - City of San Diego Commission for Arts and Culture for City of San Diego Monument for Convention Center Art "Journey to Aztlan" by Jamex and Elinar de la Torre, for total amount \$500.00

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:

A) Amendment No. 1 to Lease (#70454) with Seaport Fudge Factory, Inc. dba Seaport Coffee & Fudge Factory - Article 4 Section 4.2.4 COVID-19 Rent Relief

B) Amendment No. 1 to Lease (#68884) with Water View Restaurants, Inc. dba Edgewater Grill - Article 4, Section 4.7, Right of Entry; Article 5, Sections 5.1.7 & 5.1.8, COVID-19 Rent Deferral and Relief

C) Amendment No. 1 to Lease (#68883) with Water View Restaurants, Inc. dba San Diego Pier Café - Amends Sections 5.1.7, 5.1.8 & 4.7 Related to COVID-19 Rent Deferral and Relief, and Right of Entry

D) Amendment No. 1 to Lease (#70416) with American Heroes, Inc. dba American Heroes - Amends Section 4.2.4 Regarding COVID-19 Rent Relief

E) Amendment No. 1 to Lease (#70456) with Alamo Flags, Inc. dba Alamo Flags - Amends Section 4.2.4 Related to COVID-19 Rent Relief

F) Amendment No. 1 to Lease (#70415) with Best of San Diego, Inc. dba



Seaport Island Fashion - Amends Section 4.2.4 Related to COVID-19 Rent Relief

G) Amendment No. 1 to Lease (#70694) with Bel-Born Management Corporation dba The Village Hat Shop - Amends Section 4.2.4 Related to COVID-19 Rent Relief

H) Amendment No. 1 to Lease (#70516) with Seaport Harbor Investment Properties, Inc. dba Hot Licks - Amends Lease to Add Section 4.2.4 Covid-19 Rent Relief